

Students face trial for rape - Victim, 13, testifies that 3 held her down during the assault

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DETROIT -- A quiet and generally unemotional 13-year-old girl testified for two hours Monday about the day she was allegedly raped inside a Detroit school crawl space as three classmates held her down and a band class practiced in a room nearby.

As a result of her testimony, Wayne County juvenile court Judge Frances Pitts decided that two boys and two girls from Hutchins Middle School will face a trial on felony charges of first-degree criminal sexual conduct for the rape of the sixth-grader last month.

The girl has said **Audi Dawson**, 15, raped her while three other classmates, including 15-year-old Dominique Brown, pinned her down. **Dawson** and Brown face a possible life sentence if convicted. A 14-year-old boy and 13-year-old girl who also were allegedly in the room are designated for adult treatment in juvenile court, meaning they could face a prison sentence or juvenile rehabilitation if convicted.

During Monday's preliminary hearing to determine if the case will go to trial, defense attorneys suggested that the sex was consensual and the girl made up the story after classmates teased her for having sex in school. One boy allegedly told her she was "nasty."

The defense attorneys aggressively questioned her about inconsistencies between her testimony and police reports about who unzipped her pants and who held her down.

"That day I was so hurt I couldn't remember what happened," she said, alternately looking tired or annoyed with the lawyers' questions. "I wasn't lying there. I probably made a mistake or said something I didn't mean to say."

Richard Morgan, an attorney for the 14-year-old defendant, said he doesn't think the girl's testimony is credible.

"We believe she made this up. We believe this was consensual sex," Morgan said outside the courtroom. His client "had nothing to do with it except to be present," he said. Other attorneys also attacked the girl's credibility in their closing statements.

The defendant's lawyers also asked the girl why she didn't tell a teacher or counselor about the rape until after classmates teased her during a lunch break. They also suggested she made up the story so she wouldn't get in trouble for being on the fourth floor, a vacant and off-limits area of the school.

"I didn't care if I got in trouble," the girl replied.

Wayne County Assistant Prosecutor Daniel Less said the girl has no doubts about what happened and said the police report might not fully reflect what the girl told police.

"I thought she fared pretty well by four attorneys at once," Less said. "She has been consistent with me."

The girl twisted her long braids as she recounted what she says happened on May 1. The four defendants occasionally laughed quietly and whispered to each other.

The girl said that the 13-year-old girl and 14-year-old boy lured her out of a Spanish class under the guise that another teacher needed to see them. After she left the class, the teens told her they needed to go to the fourth floor to pick up some things.

They then went up to an empty fourth floor room, in a vacant area of the school, where Brown and **Dawson** were hanging out. She said they held her down in a chair while they were "playing." When the alleged victim began to leave, she said she "was grabbed by (**Dawson**) and he said I wasn't going nowhere."

Someone opened the door to an adjacent utility room. **Dawson** then picked the girl up by her waist, walked into the utility room and then across a catwalk to a crawl space, she said. The other teens followed, she said.

The girls and the 14-year-old boy held her down and she struggled to get away. She broke free at one point, but then was pulled down again. "After that, **Audi** had penetrated me" and told the others "you could let her go now," the girl testified.

The alleged victim, along with the three teens who she said held her down, all went to science class. Classmates began teasing her during lunch break about a half hour later. When a teacher saw her crying, she sent her to the counselor's office. A police officer came to the school, and her parents later took her to Henry Ford Hospital.

The alleged rape victim's family, including her grandparents, parents and an aunt, were in the crowded, standing-room-only courtroom. Parents of all the defendants also were there. All four defendants are free on bond.

A hospital laboratory report shows there was semen found in the crawl space, but there was no blood or semen found on the girl or her clothes.

Meanwhile, the Wayne County Prosecutor's Office is looking into possible criminal charges against Detroit Public Schools administrators for failing to provide a safe environment for students.

He has said Detroit school principals may not be following a 1999 law that requires them to report assaults within their schools. Brown and the alleged victim had previously fought at Hutchins.

All four defendants are expected to be arraigned Thursday in Wayne Circuit Court.

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