

LewRockwell.com

[Home](#) | [Columnists](#) | [Blog](#) | [Subscribe](#) | [Podcasts](#)

[Search For Sex Offenders](#)

Are Sex Offenders Living In Your Neighborhood? Find Out Now - Free!

[Love Paying Taxes?](#)

Neither Do We... Start Greatly Reducing Your Taxes!

Ads by Google

Maryland's Poster Child for Tyranny: The Persecution of John Edison, Jr.

by **Trevor Bothwell**

by Trevor Bothwell

[SAVE THIS](#) [EMAIL THIS](#) [PRINT THIS](#) [MOST POPULAR](#)

[DIGG THIS](#)

Since the Fourth of July, I've had the good fortune to take pleasure in many of the little things in life that make it worth living.

For example, in August I took my family on a weekend trip to New York to celebrate my brother-in-law's 40th birthday; in September I actually got the green light from my wife to buy an old muscle car after years of merely dreaming about it; last month I braved the frigid November air with my father-in-law at the Cowboys/Redskins game in Maryland; and perhaps best of all, back in October I helped my son celebrate his first birthday.



Contrast these experiences, if you will, with those of 16-year-old St. Mary's County, Maryland boy, John K. Edison Jr., who, since July 5, 2008, has been incarcerated in an adult jail [without bond](#) on charges that he violently raped a 12-year-old girl that same morning. He is accused of assaulting the girl sexually and beating her with a belt.

The problem, however? Edison, a minor, essentially has been confined in a government cage for more than five months over the mere *accusation* of rape by the alleged victim.

Extricated from his family and friends, the 16-year-old has [appealed](#) to the state for a trial in a juvenile court, only to be [refused](#) and held by the state indefinitely while prosecutors figure out how to pass this kid off as a rapist. After being forced to languish for months, Edison is finally getting his trial today (Dec. 15) in Leonardtown, Maryland.

How it all began

But first, some background. On the Fourth of July, two girls – the alleged 12-year-old victim and her 15-year-old friend – were hanging out with John Edison and his friend at Edison's house, staying overnight until about 7:00 a.m. on July 5, at which point Edison told the girls they had to leave because his father would soon be home from work.

The boys accompanied the girls out of the house and down the street, a scene that was actually witnessed by a neighbor, who apparently has said the four kids were laughing and getting along. So imagine John Edison's surprise when police showed up to arrest him for rape about three hours later.

According to Edison's family's account of the 911 tape, the 15-year-old girl initially told police that Edison raped *her*, but when she went to the hospital to be examined she retracted this claim and instead insisted that Edison raped the 12-year-old. Incidentally, police reports also indicate that the 15-year-old girl at one point claimed that Edison's *friend* raped her, but she later recanted this as well.

John Edison's aunt, Alice Gaskins, was also denied access to her nephew's interrogation when she showed up at the police station on the morning of July 5. Absent legal representation and denied the presence of a legal guardian, Edison was questioned alone by police, who repeatedly contended that he had raped the girl despite Edison's insistence that any sexual contact that took place was consensual.

The charges

According to a [report](#) in the *Enterprise*, a local St. Mary's County newspaper, "Edison is accused in charging papers of pulling a 12-year-old girl into his bedroom on July 5 and having intercourse with her. He is being held without bond on charges which include second-degree rape and a second-degree sexual offense."

On the charges of [second-degree sexual offense](#) and [second-degree rape](#), John Edison, Jr., is being charged under statute (a)(1), which states:

(a) *Prohibited. A person may not engage in a sexual act with another:*

(1) *by force, or the threat of force, without the consent of the other;*

To understand the seriousness of the charges against Edison, on these felonies alone he faces up to 40 years in prison.

However, prior to initial hearings Maryland prosecutors presented to Edison's defense attorney, Kevin J. McDevitt, *no* physical evidence that a rape had occurred, nor did they provide him with statements gathered from either Edison himself or the accuser. Whether the prosecution's failure to produce these statements was intentional or not, there's a good reason it couldn't provide physical evidence of rape: it didn't have any.

According to an interview I had on September 16 with John Edison's aunt, Alice Gaskins, the 12-year-old's medical exam, which was conducted only hours after this alleged rape took place, revealed no evidence that a physical assault had occurred, much less a violent rape. In fact, the girl's hymen apparently was still intact at the time of her examination. (Medical records are sealed and therefore not available for public consumption. However, they can be requested and obtained by the family of the accused.)

Indeed, the only "evidence" provided by the state during preliminary proceedings was the statement by the alleged victim that she had been raped. St. Mary's County sheriff's deputy James Fontana described for the court the 12-year-old's account of events, and when McDevitt asked him if he was aware of any other witness accounts or scientific evidence against Edison, Fontana said he was not.

Moreover, McDevitt is also on record [saying](#), "Despite my consistent requests [the state] has yet to provide me or my client with a single shred of forensic evidence that would in anyway corroborate the violent rape that the victim has alleged."

It should be made clear that, at this point in the case, the premier issue wasn't so much whether the prosecution was necessarily justified in charging Edison; it was that the state was almost certainly guilty of violating a 16-year-old's civil liberties by refusing bond in light of a wholesale lack of bodily evidence suggesting the 12-year-old girl was assaulted. And given that the state is arguing that Edison *violently* raped this girl, one would think the alleged victim would have had at least *some* visible bruising or lacerations at the time of her exam, especially if she was struck viciously with a belt.

Of course, I suppose the state's treatment of Edison shouldn't really be considered too fantastic when government authorities like District Judge Robert Riddle – who at the request of the state's attorney ruled that Edison was to be held in an adult detention center instead of in a juvenile facility – actually [argue](#) that if a police officer merely believes an accuser's statement, "that alone is enough evidence to proceed with a trial."

No opportunity for corruption and malfeasance there. Move along. The word of government police apparently is sent from on high.

According to a *Washington Post* [report](#), defense attorney McDevitt summed up what he believes is really at the heart of his client's plight: "Essentially what's going on in this case is a young girl got caught sneaking out by her parents over to [Edison's] house, and she's scared," and thus concocted a story of rape.

McDevitt also told the *Post* that the 12-year-old even hugged his client before leaving his house. If the latter statement is an accurate account of events – remember, a neighbor saw both girls walking amicably with Edison and his friend – this alone should be enough to debunk the 12-year-old's accusation. After all, who would hug the person who just violently raped her?

Finally, some forensic evidence

In early October, after John Edison had already spent three months in jail as he awaited his rape trial, the state caught a break in its case when a nail scraping confirmed that Edison's DNA was found on the 12-year-old girl.

Though negative test results obviously would have been cause for Edison and his family to jump for joy, they were prepared for the likely possibility that tests would come back positive. After all, Edison has never denied being with the girl and insisted from the outset that any sexual activity was consensual.

According to the family's account of DNA testing, the exact type of evidence discovered on the alleged victim is unknown, but it could be anything from hair to semen to saliva. However, it's important to realize that the presence of Edison's DNA on the 12-year-old is hardly proof that he forced himself upon her.

Skin cells slough off our bodies constantly, so mere touching or holding hands could lead to DNA transfer. Not to engage in too much speculation, but the girl could have had her fingers in Edison's mouth, or they could have been flirting and roughhousing like sexually curious kids are wont to do. And that's not even considering the fact that the girl could have had her hands in Edison's pants or performed fellatio on him.

In sum, this DNA evidence proves nothing more than the fact that Edison was with the 12-year-old on the night and morning in question, a fact he freely admits. In fact, it's altogether likely that this

evidence could work to his benefit – combined with hospital records indicating no physical or sexual abuse, sober viewers have every reason to conclude that this girl was a willing participant in the transfer of any DNA.

Moreover, given the variety of stories offered up by the girls, is it not at least a bit telling that there is no rape case simultaneously pending against Edison's friend regarding the 15-year-old?

Considering the facts of this case, it certainly looks as if a couple of young girls who were hanging out all night with older boys were about to get caught sneaking around by their parents and decided to try to cover their respective butts by falsely claiming rape, knowing full well that their earlier interactions with the boys likely would reveal physical evidence to support their accusations.

A look at the prosecution

One need not be a legal scholar to believe that the state of Maryland is at this moment engaged in a gross miscarriage of justice as it violates the civil liberties of a 16-year-old child, who is almost certainly innocent of the charges levied against him. But to understand how easily John Edison can be stripped of his freedom, perhaps we need to examine the prosecution itself.

Meet St. Mary's County State's Attorney Richard Fritz. This is the same man who admitted almost two years ago that Maryland police needlessly escalated a standoff with Jamie Dean, an ex-soldier suffering from PTSD, to the point where they could justify [executing him](#), but who nevertheless refused to bring any criminal charges against any of the officers involved.

Back in 1964 when he was 18, Fritz [pled guilty](#) along with two other men to having carnal knowledge of 15-year-old Carla Henning Bailey. The story came to light in 1998 on the eve of Election Day as Fritz was campaigning for the job of state's attorney of St. Mary's County when *St. Mary's Today* publisher Ken Rossignol ran the headline, "Fritz Guilty of Rape," on the front cover of his newspaper.

In retaliation, Fritz teamed up with then-St. Mary's County Sheriff Richard J. Voorhaar in the wee hours of the morning on Election Day to dispatch sheriff's deputies across the county to buy up all the newspapers condemning Fritz. They, along with six deputies, have since been [found liable for civil damages](#) to Rossignol (case law [here](#)).

Fritz won the 1998 election with 54 percent of the vote, but the resulting brouhaha over Fritz's high school conviction compelled Bailey to break her silence after 35 years and tell her side of the story about what she calls a "gang rape" when she was 15.

In 2000, Chris Wallace interviewed Fritz, Rossignol, and Bailey on [20/20](#), during which Fritz, perhaps out of some sense of guilt or attempt to clear his tainted name, made this damning statement:

"I know that, as a prosecutor myself, if a 15-year-old girl came in and told me that she was held down, raped by three different people, I'd immediately have them arrested and charged with first-degree rape."

That was eight years ago, but if John Edison is any indication, Fritz's outlook hasn't changed much. St. Mary's County's top prosecutor apparently believes, in his own warped sense of justice, that sheer accusation of rape constitutes enough probable cause to see a teenage boy banished to a jail cell, locked away from friends and family for months on end as he awaits trial.

Conclusion

When Maryland Circuit Judge Marvin Kaminetz [officially denied](#) John Edison's request to be tried as a minor in juvenile court, he defended his decision by calling Edison a "danger to the public" as he cited two previous assault allegations against the boy, "including one where an 'authority figure' in the county's school system was the victim."

Apparently *allegations* are now considered proof of guilt in this top-flight American justice system of ours.

Not only has Edison been confined in an adult jail without bond since July 5 on nothing more than a young girl's statement to police, but the judge also justified the boy's trial as an adult by holding previous assault allegations – not convictions – against him under the pretense that a rape *charge* is an extension of some pattern.

Worse yet, Judge Kaminetz entirely ignored the medical examiner's report that there was no physical evidence found on the 12-year-old girl to suggest she was the victim of a violent physical or sexual assault. Let me repeat that: *There was no physical evidence found to suggest the accuser was the victim of physical or sexual assault.*

I'm not a doctor, but Dr. Pieter Esterhay, from the emergency room at St. Mary's Hospital in Leonardtown, Md., is, and he has [testified](#) that "a listing of the girl as a victim of a sexual assault was based *solely on the patient's allegation that it occurred.*" (Emphasis mine.)

In no uncertain terms, John Edison Jr. has been confined in a Leonardtown jail awaiting trial on absolutely nothing more than an accusation by a 12-year-old (or 15-year-old, but who's counting?) and a near-dictatorial decree from a state's attorney who's on record saying that if a young girl accuses someone of rape, by golly, he's gonna go and find someone to charge.