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Sixteen-Year-Old Rape Suspect Will Be Tried As Adult

Posted on October 26, 2008

By Guy Leonard, [County Times](#)

HOLLYWOOD, Md. (Oct. 23, 2008) -- Circuit Court Judge Marvin S. Kaminetz ruled Monday that a 16-year-old juvenile charged with forcibly raping a 12-year-old girl will not be tried in juvenile court, but will face the possibility of serving prison time if convicted.

The ruling comes on the second day of a waiver hearing that sought to have John K. Edison, Jr. remanded back to juvenile court, which would have likely placed him a treatment program.

Professional analysts from the Department of Juvenile Services testified that Edison showed he was a “moderate risk” to public safety, but was amenable to treatment if remanded back to the juvenile system.

Judge Kaminetz said he weighed varying factors in the case and decided the seriousness of the charges against Edison, with an additional record of assaults and drug and alcohol addiction, tipped the scales in favor of the state’s request to deny the waiver.

“There are a lot of emotions attached to this case and emotions are running high,” Judge Kaminetz said. “I do consider him a danger to the public.”

Judge Kaminetz said Edison’s previous behavior was “more aggressive, anti-social and scary to the public.”

Edison is accused of removing the clothing of his alleged victim and forcibly having sex with her back in July; he was also charged with assaulting the victim with a belt.

In charging documents filed by detectives against Edison, the victim stated that she did not want to have sexual contact with him.

Edison faces 20 years in prison for the second-degree rape charge against him as well as 20 years for the charge of second-degree sex offense.

Kevin McDevitt, attorney for Edison, argued that his client would benefit the most from treatment at a state-run, secure facility and would suffer needlessly in prison at such a young age.

McDevitt said Edison’s size, standing five-feet, seveninches tall and weighing just 160 pounds, could even put him at a disadvantage in a juvenile facility.

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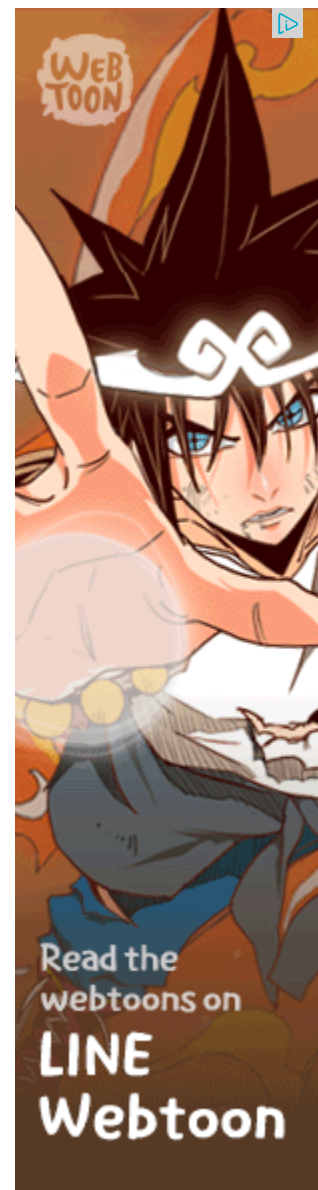
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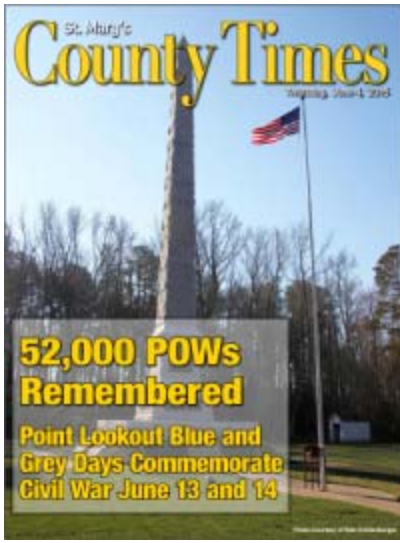
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"He might even be the smallest person there," McDevitt said.

Assistant State's Attorney Joseph Staloni argued that the recommendation of the professionals at the Department of Juvenile Services and the defense was faulty because of the seriousness of the alleged crime.

"If that doesn't constitute a high risk, I guess you have to kill someone to be considered a high risk," Staloni argued.

The mother of the victim testified that her daughter has not been the same since the alleged crime against her. Her daughter is still afraid of seeing her alleged assailant, she said.

"She's been nervous... she's acting out against other boys," the girl's mother said. "She's intimidated and she shouldn't be."

While one portion of the Edison case was decided Monday, more still remains since a hearing on habeas corpus, or whether there was action taken against Edison that was unconstitutional in holding him, will take place Nov. 3.

The defense filed a motion for an emergency bond hearing in late August, arguing that there was evidence showing Edison could have had the charges against him thrown out, but that was denied.

Edison's parents and family picketed outside the Circuit Court in Leonardtown in August protesting the detention of their son when the rape charge against him was replaced with a criminal summons.

A formal indictment now exists against Edison and he remains in custody at the St. Mary's County Adult Detention Center.

Edison was twice denied bond in county District Court, back in the summer as the judge there believed there was probable cause to hold him in detention.

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