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Lawsuit by teen arrested for rape, then acquitted, proceeds Judge awaits deposition of detectives

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By **JOHN WHARTON**

Staff writer

A Lexington Park teenager's lawsuit against police and two girls from his arrest in 2008 on a rape charge withstood a preliminary court challenge this week as a judge allowed his lawyers time to question the lawmen.

The judge asked a detective's lawyer Tuesday if he would prefer the lawsuit be dismissed without prejudice, which would allow it to be refiled, or delay a decision on that request until after depositions of the two officers. The lawyer agreed to leaving the case intact, for now.

John Kendell Edison Jr., now 18, was acquitted of the rape charge at a trial, and his lawsuit filed last fall against two detectives, the state of Maryland and the two girls seeks \$2 million in compensatory damages and \$2 million in punitive damages on claims including malicious prosecution, defamation, false imprisonment and a violation of his constitutional rights.

Attorneys representing the two detectives filed court papers prior to this week's hearing that defend the lawmen's actions and detail the investigation that led to the arrest of Edison, then 16, on charges including second-degree rape from the alleged incident with a 12-year-old girl. Jurors acquitted Edison last year at the end of a four-day trial.

The lawsuit accuses the 12-year-old and the other girl of making false and misleading statements to police, including the allegations of rape. The legal complaint also alleges that detectives William Raddatz and Leo Nims mishandled the investigation.

A motion to dismiss the lawsuit filed by the state attorney general's office maintains that the state is immune from the civil action, and a motion to dismiss filed on behalf of Raddatz states that the lawsuit contains no legally sufficient cause of action against him. The defense filing states Edison told police four different versions of what had occurred, initially stating he "wasn't even around them girls" and eventually acknowledging having consensual sexual contact with one of the girls.

The mothers of the two girls also have contested the lawsuit's allegations against the two children.

Raddatz was represented at Tuesday's hearing by John Breads, a lawyer with a local government insurance trust who said the lawsuit's allegations did not meet the legal standard to challenge the officers' immunity.

"There is not a scintilla of evidence of gross negligence [or] actual malice," Breads said, adding that the detectives were responding to the girls' complaint.

"The police were brought into a situation not of their own making," the lawyer said. "There was probable cause in this case to initiate the criminal proceedings."

Michael Winkelman, an attorney for Edison in the civil case, countered that there was no probable cause to arrest his client.

"The only thing worse than committing a rape is to be wrongfully accused of committing a rape," Winkelman said.

The girls were in trouble for being out late, the lawyer said, and after they were confronted by their parents, they chose to "concoct a story" of being raped.

The detectives' investigation quickly cleared another boy of an allegation that he had committed a sexual assault, the lawyer said, and there was no physical evidence to support the allegation against Edison.

"There wasn't a scintilla of evidence to support the claim of this 12-year-old child. She lied," Winkelman said. "The facts were that there was nothing to support the continued charging of this young boy."

The hearing ended with a series of questions from Prince George's Circuit Judge Sean D. Wallace, who asked whether the detectives had a duty to resolve all credibility issues before they forwarded the girl's complaint to a court commissioner.

Winkelman said the charging document made references to scratch marks on the teenager, and that last year's trial revealed the scratch actually had been inflicted by a police officer. The lawyer acknowledged during the judge's questioning that he didn't know at this point if the detectives were aware of that during their investigation.

Winkelman said that an examination of the girl at a hospital found no signs of physical trauma, refuting any allegation that intercourse had occurred, but the judge disagreed from that conclusion.

"It's not the same thing," Wallace said.

Edison was tried on a bill of criminal information filed by the St. Mary's state's attorney's office, and Winkelman said at this week's hearing that detectives gave the prosecutors "the bulk of the information" they had, including the case's written reports, although more information "did trickle in afterward."

Wallace said that if the detectives did not maliciously withhold exculpatory information from the state's attorney, "they're not responsible for the state's attorney assessing independently what they turned over to him."

Breads, Raddatz's lawyer, said the trial court bore the ultimate responsibility to determine the credibility of all the witnesses.

"That's for the finder of fact to resolve," Breads said.

The judge said another pretrial hearing in the lawsuit will be held this fall.

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