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Rape trial delayed; football continues; 3 of 4 accused start for title hopeful

By Aaron Kuriloff; Staff writer

In the industrial community of Port Sulphur near the southern tip of Plaquemines Parish, the Bronchos are the Friday night darlings. On game days, many of the town's 2,000 residents fill the stands at the high school football stadium, and police cruisers escort the team to and from the field.

But seeing the team and police together, hearing the jubilant crowd, gives one local mother chills.

The last place she'd take her family is a Port Sulphur High School football game. Three of the four teen-agers accused of raping her 13-year-old daughter are starters on the team.

"I cry every Friday night," said the girl's mother, who is not being named to protect the identity of her daughter. "I shed a tear every time one of those boys scores a touchdown."

Seventeen months after a grand jury indicted J.P. Abney, then 16; Joseph Henry, 15; Michael Manuel Jr., 15; and Mervin Ragas, 16 on charges of aggravated rape, there has been no trial. It was postponed for a fourth time on Nov. 14 when the Plaquemines Parish district attorney's office asked to be recused because of a conflict of interest involving the family's lawsuit against the school system.

The girl hasn't gone to Port Sulphur High School since the day of the incident. The boys accused of raping her have attended classes, gone to school dances, and, in at least one case, emerged as one of the state's most talented young football players.

That last fact, the family believes, will continue to prevent a trial. The only reason for the delay, they said, is that in Port Sulphur, the high school football team, and its march toward a state championship, is more important than justice.

"Whenever those boys quit playing, that's when they'll get on with it," the girl's mother said. "This case proceeds only if they're out of the playoffs."

Prosecutors blame the delays on the complexity of the case, its multiple defendants and a state district court with only two judges. The boys are playing football, school officials said, because until and unless a jury convicts them, they have a right to do so.

"If they're a student, they have all the privileges a student has," said school Superintendent James Hoyle.

Details of the allegations

Without a trial, little evidence exists in the public record. But court papers tell the following story: On March 23, 2000, when the four boys were scheduled to be in a physical education class in the school gymnasium, the girl asked permission to leave her class. She told police that she had left an assignment in another room.

She walked to the building that houses the weight and locker rooms. There, according to the girl, Abney grabbed her arm, and told her, "Don't run." He then pulled her into the locker room, she said, forced her into an adjacent laundry room and held her as he, Ragas, Henry and Manuel raped her.

The girl returned to class, court papers said, about the same time the boys arrived in gym class 30 minutes late, according to their P.E. teacher.

The girl said she went home and immediately washed her clothes. And though she said nothing to school officials that day, the girl confided in a friend that evening. The friend convinced her to come forward.

Police arrested the four boys the next day and booked them with simple rape, which carries a maximum sentence of

25 years. School officials suspended them pending expulsion proceedings, they said. Police took the girl to Children's Hospital for an examination, where a doctor found evidence of sexual abuse but could not identify any perpetrator or perpetrators.

In the following weeks, the boys were taken to a parish juvenile detention center, where they were held for two months. In June, a grand jury indicted all four on charges of aggravated rape, which carries a mandatory life sentence. The charges also meant that although the boys are juveniles, they will be tried as adults.

The trial was scheduled for May 16 of this year but was postponed at the request of defense attorneys, who said they needed more time to prepare. It was rescheduled for June 19, but was delayed again because of a scheduling conflict involving the prosecution's medical witness. On August 19, saying they had internal scheduling conflicts, the four defense attorneys asked for and received another continuance, until Nov. 14.

Boys return to school, field

As the case dragged on, however, the girl's family became increasingly frustrated. The boys, who were released from detention on \$75,000 bonds, had been sent to an alternative school for the 2000-01 school year, but officials allowed them to return to Port Sulphur for the final weeks of the term. In June and July, while awaiting trial, Manuel, Abney and Henry passed their time at summer football practice.

The girl has spent the past two years in educational limbo, her family said, including home-schooling.

"They hadn't even been to court and they were going to the prom," the girl's mother said.

In Port Sulphur, families are large and the community small. With four boys accused, their relative represent a large portion of the town population. Football fans make up an even greater segment. Even the president of the School Board at the time, Paul Lemaire Jr., had coached the boys in youth leagues. The girl's family found itself increasingly isolated as time passed.

"When the boys went to court for the grand jury, they had children from school, teachers, coaches all sitting with them," the girl's mother said. "The preacher told people to pray for the boys. We didn't have anybody."

As the football season started with the boys on the roster, she said, the situation got worse. On Friday nights, the family began attending movies in Gretna, an hour away, to avoid the enthusiastic crowds, the halogen glow of the stadium lights over town, and the celebratory cries from the bleachers. And there has been a lot of celebration this year. The Bronchos are 11-1, the division champions, playing to packed stands. One of the accused, Manuel, became a star, earning praise on the defense and as a tight end from some of the top coaches in the state.

As the season went on without a trial, the victim's family became convinced that the boys would not appear in court as long as they kept performing on the football field.

"Everybody loves them, like they did something great," the girl's mother said. "They're out there cheering them on."

School officials said they deliberated carefully before allowing the four boys to return, but decided to proceed because of their good behavior the previous year. The decision, said Lemaire, had nothing to do with football.

"That's totally ridiculous," he said. "When this allegedly happened, they were in 10th grade and not star athletes. They were on the team, but, in our school, just about every boy from ninth grade on up is on the team."

Officials said they saw no reason to keep the boys from playing.

"They're innocent until proven guilty," said Hoyle, the Plaquemines schools superintendent. "What else could they be? Isn't that what the law says?"

Port Sulphur head coach Cyril Crutchfield wouldn't comment on the decision to allow the boys to play.

The girl's mother said, "They care more about the boys' welfare than about her welfare. I know they're innocent until proven guilty, but we aren't guilty any way you look at it, so why is my daughter being punished?"

Court and championships

Each delay increased the girl's anger. Then in October, her family says, prosecutors tried to convince them to allow the case to be tried in juvenile court under reduced charges, saying that otherwise, the boys would likely be acquitted.

But to the girl's family, more than a year after the incident, that sounded like a retreat. In late October, her mother vented her frustrations in an angry letter addressed to Plaquemines Parish District Attorney Darryl Bubrig.

"These boys enjoy the unabashed support of the local minister, the principal, coaches, teachers and elected officials, in addition to students," she wrote. "Despite that formidable support, we as a family remain steadfast in the belief that the truth will prevail. We are aware, however, by no small measure, that for the truth to prevail, the advocates for justice must be (willing) to perform their task in a competent and proficient manner."

Among other requests, she asked that the case be handed over to the state and tried outside Port Sulphur.

She got her wish quickly. Just a week before the trial was to begin, prosecutors received notice from officials that the family had filed a lawsuit against the school system, charging the district with negligence for failing to properly supervise its students. In fact, the suit had been filed months before, but, according to David Hufft, the assistant district attorney originally charged with prosecuting the case, prosecutors had never received a copy.

"I don't know why the School Board never sent it over," Hufft said.

As attorneys for the school system, officials in the district attorney's office felt they could no longer prosecute. On Oct. 29, the judge approved their motion and handed the case over to the state, which could slow the process further.

The state attorney general's office hasn't received the file yet.

The problems associated with the case and the inherent lack of public support for prosecuting three starting players in the middle of the playoffs have led the family to suggest that the Plaquemines district attorney's office wanted the case off its hands. Hufft denied that vehemently.

"I don't pay any attention to that stuff," he said. "We have no concern about them being football players. These four men have been indicted for aggravated rape, and our intent was to proceed to trial."

But the question of when remains. The attorney general's office may pursue its own investigation. If that happens, the trial could be delayed several more months.

Legal experts say delays aren't unusual.

"When the trial's delayed, it's a benefit to the defendant always, because witnesses forget, witnesses leave the state, and so on," said Bobby Harges, a Loyola University law professor. "But the victim has no constitutional right to a speedy trial."

That last point is disputed by some victims rights organizations, who point to recent state laws designed to reduce the time between an alleged crime and trial. But in this case, said one representative, the legal delays matter less than the school district's policies.

"I am more bothered by the school's lack of response," said Judy Benitez, executive director of the Louisiana Foundation Against Sexual Assault, an umbrella organization for rape crisis centers. "Most large employers, if someone is suspected of a serious crime, suspend that person until the issue's resolved. Here, the school put them in the position of being role models."

At this point, the boys will almost certainly be able to continue playing football until their run in the playoffs ends. Their presence on the field has generated little controversy in Port Sulphur.

"I've never gotten one phone call," Lemaire said. "To this day, nobody has told me they shouldn't be playing. But I just wish it would go away, because it's hurting our whole community. I don't understand what the delay is."

Neither does the girl's family. As the Bronchos prepare for their Friday night game against 12-0 South Cameron, the family is planning for their weekly trip out of town. In the past two years, they said, they have all but ceased participating in community activities.

Judge William Roe of the 25th Judicial District Court has scheduled a pretrial hearing for Nov. 28. The state championship for 1A schools, which was played in the Superdome in front of more than 5,000 fans last year, is scheduled for Dec. 8.

There's one family in Port Sulphur that doesn't want the team to make it.

"I believe there's people out there on my side," the girl's mother said. "I may not be hearing them now, but I believe they're out there."

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