

Defendant says he raped girl

A 19-year-old resident of Willowbrook Developmental Center admitted yesterday that he raped a 7-year-old girl in Silver Lake Park last April 3.

The defendant, James Rich, a resident of the center for the mentally retarded since 1964, told Supreme Court Justice Pasquale E. DiVernieri that he knocked the girl off her bike and struck her "a couple of times in the face" before attacking her.

Rich pleaded to a first degree rape charge—the top count in a six-count indictment that also charged him with sexual abuse, felonious assault and endangering the welfare of a minor.

DiVernieri confirmed two psychiatric reports that found Rich mentally competent to stand trial. However, the judge ordered the defendant to undergo further psychiatric tests and another report to aid him in sentencing Rich Nov. 4. The defendant could receive a prison term of up to 25 years.

The girl's parents, Silver Lake residents, have taken steps as a prelude to instituting two civil lawsuits—each for \$5 million—against the state and city unless their monetary demands are met.

They maintain that the state, which has control over Willowbrook Developmental Center, was negligent in permitting Rich to have "unsupervised...community status" despite "a history of violence, criminal behavior and deviate sexual propensities."

A second action, in Brooklyn Federal Court, contends that the city and state were derelict in providing police protection in the park. A notice of claim has been filed in this case, while a notice of intention to file a claim has been filed with the Court of Claims in Albany in the other case.

Authorities said the girl was playing with a girl friend in the park about 6 p. m. when she rode off on her bicycle, leaving the other girl. The friend subsequently returned to her home for dinner when she did not return. The girl was later found about 7:30 p. m. near the park reservoir where police said the attack took place.

The girl was treated for internal and facial injuries at Staten Island Hospital. She also underwent surgery.

Willowbrook authorities described Rich as a borderline, moderately retarded resident who had "a low boiling point." As a resident with community status, he was permitted to come and go from the center as he pleased in the belief that he had the "intellectual ability" to live in the community.