

Update/Rape suspect, cleared by grand jury, still bears stigma

The past six months have been difficult for Robert Bennett, a Staten Island Developmental Center (SIDC) employee accused of raping and impregnating an SIDC patient last year.

Bennett, 53, who was arrested in May, was cleared of those charges by a grand jury. But Bennett lost his job at SIDC, is currently unemployed, and still bears the stigma of someone accused of criminal activity.

A former patient at SIDC, Bennett was working as a maintenance worker at the institution when he was questioned in the rape of a 31-year-old quadriplegic who is profoundly retarded and mute.

Although the woman was raped apparently in May 1983, the crime was not reported until November — when a doctor discovered that the woman was six months pregnant. The women gave birth last January to a healthy baby boy.

SIDC investigators worked on the case for six months before targeting Bennett. They eventually elicited an alleged tape-recorded confession from Bennett.

But that confession was disputed from the beginning by Bennett's attorney, Joseph Lasky, who noted that the supposed confession was taken without the presence of a lawyer. Since Bennett cannot read or write and has a low IQ, Lasky said he doubted that Bennett could have given a "knowledgeable" waiver of his right to remain silent during questioning.

"Besides whether the statement came under the Miranda rules, which I have my doubts, the statement itself was ambiguous on date or time," Lasky added. "How could anyone convict on evidence like that?"

Lasky said the confession was the only evidence the district attorney had, and so it was not surprising that the grand jury voted to dismiss the charges against Bennett. "Obviously, based on the evidence they saw, the grand jury was not convinced there was a case," Lasky said.

"I feel the grand jury did the right thing; I feel that not only as Mr. Bennett's lawyer, but as a member of the legal profession and of society."

Although a grand jury cleared Bennett in criminal proceedings, Bennett was found guilty in administrative proceedings at SIDC and dismissed from his job. He is still unemployed.

Christine Edwards, director of the legal advisor program of the New York City-County Service Group, which provides legal service for SIDC, said she is not uncomfortable with the differing conclusions of SIDC and the grand jury.

"In all fairness to the criminal justice system and to our investigation, there are really two standards of evidence involved. What we need is a preponderance of the evidence; the courts need to go beyond reasonable doubt. It's really two very different things," she said.

"The fact there was not an indictment does not reflect on the results of our investigation."