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HEADLINE: 3 Men Are Jailed in Glen Ridge Sexual Assault Case

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BODY:

The three former Glen Ridge High School football players convicted in the 1989 sexual assault against a mildly retarded childhood acquaintance were taken to jail today for the first time since they were found guilty four years ago.

The three, Christopher Archer, 25, and Kevin and Kyle Scherzer, 26-year-old twins, were led from New Jersey Superior Court in handcuffs and business suits after Judge R. Benjamin Cohen sentenced them to a medium-security, campuslike detention center and then rejected a defense motion that they remain free until they exhaust all appeals.

"Enough is enough," Judge Cohen said with a tone of exasperation as defense lawyers asked him to continue the \$2,500 bail first imposed on the three shortly after their arrest more than eight years ago. "This has gone on long enough," Judge Cohen added. "There must be some finality." The three men have been free while appealing their convictions.

Mr. Archer and Kevin Scherzer each received up to 15 years in prison, but could be eligible for parole in two years, depending on their behavior. Kyle Scherzer received a sentence of up to seven years, with parole eligibility after 10 months. In the late afternoon, a three-judge appeals panel upheld Judge Cohen's rejection of bail and refused to release Mr. Archer and the Scherzer twins, meaning they will spend their first night in jail since their 1993 convictions for a crime denounced by some inside and outside their stately suburban hometown as the immoral outgrowth of a community coddling of high school athletes.

The case drew wide notoriety because the young woman was sexually assaulted with a baseball bat and a broom handle in the basement of the Scherzer home in March 1989 as 13 boys watched or participated. She was 17 at the time, about the same age as her assailants.

The young woman, psychiatrists hired by the prosecution have testified, had an I.Q. of 64 and an 8-year-old's grasp of reading and math, and lacked the mental capacity to understand or exercise her legal right to refuse to engage in sexual activities.

During a five-month trial in 1992 and 1993, defense lawyers portrayed her as an oversexed aggressor who welcomed and enjoyed all the sexual activities in the Scherzer basement.

The Scherzer twins and Mr. Archer showed little emotion as sheriff's deputies led them from Judge Cohen's courtroom. But several family members and friends wept as the three were escorted to a side doorway. One young woman appeared to blow a kiss toward them.

Others, however, expressed relief. "Justice was finally done today," said Robert D. Laurino, who directed the three assistant Essex County prosecutors who tried the case.

Bear Atwood, the president of the New Jersey Chapter of the National Organization for Women, said: "For eight years these boys have gotten away with it. I'm glad a day of reckoning has finally arrived."

Earlier, Mr. Laurino argued before Judge Cohen that the crime stemmed from a societal permissiveness toward athletes bending the law, both in Glen Ridge and across the nation. He called the start of sentences for Mr. Archer and the Scherzer twins an "extremely valuable" message of deterrence.

Judge Cohen had first sentenced the three in April 1993, a month after they were convicted, and he took much the same legal approach at their re-sentencing today.

Exercising a judicial discretion available to all state judges at sentencing, Judge Cohen classified the three as "young-adult offenders," as he had in 1993. Under the classification, first-time offenders are assigned to campus-style prisons with open spaces, ball fields, cottages and dormitories, and fewer daily restrictions than in traditional prisons. The young-adult offender status also entitles the three men to consideration for early parole.

After sentencing today, the defendants were taken to the Essex County Jail, where State Department of Corrections officials said they could be held for up to two weeks before being transferred to one of the state's medium-security facilities.

The same three-judge appeals panel that refused to grant bail late this afternoon had ordered the re-sentencing in a ruling on May 20.

In that ruling, which culminated an appeals process that lasted four years, the panel dismissed a first-degree sexual assault conviction that the three had used force and coercion against the young woman, reasoning that she had consented to the activities in the Scherzer basement.

The ruling left Kyle Scherzer convicted of two second-degree crimes, conspiracy and attempted aggravated sexual assault. But the ruling did not disturb the convictions of Mr. Archer and Kevin Scherzer for aggravated sexual assault against a mentally defective person. The sentences that the two men received today were the same that Judge Cohen imposed in 1993.

Defense lawyers want the State Supreme Court to overturn all the convictions against the three men, but the court has not yet decided whether to consider that appeal.

The Scherzer twins declined Judge Cohen's invitation to speak before sentencing. Mr. Archer, however, apologized to the young woman and her family and asked the judge for clemency. "I realize I took advantage of a situation and I'm sorry this ever happened," Mr. Archer said.

Neither the young woman nor her parents were in court. Mr. Laurino, the Prosecutor, said his office has informed the parents of the sentences and that they declined to comment on them. "Throughout this," Mr. Laurino said, "they have maintained enormous dignity."

GRAPHIC: Photos: Twin brothers Kyle Scherzer, left, and Kevin Scherzer, right, arrived at New Jersey Superior Court in Newark yesterday for sentencing. Christopher Archer as he walked into the courtroom yesterday. (Photographs by The Associated Press)