

Teen to stand trial as adult in rape of 11-year-old girl

• **He's too old to complete treatment as a juvenile, should he be convicted.**

BY BILL BRAUN
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A Tulsa teenager must face trial as an adult on a charge of raping an 11-year-old student at a local school, a judge ruled Tuesday.

Tulsa County Special Judge Cliff Smith said there was no reasonable likelihood that Donnie D. Johnson, 17, could have completed a treatment program within the time allowed by statute if he were prosecuted as a "youthful offender."

After Johnson waived his right to a preliminary hearing on the merits of a first-degree rape charge, Smith ordered him bound over as an adult.

Prosecutors charged Johnson with raping a sixth-grade student Dec. 11 at Dove Science Academy, 280 S. Memorial Drive. Johnson, who was a high school student, and the girl both attended the charter school.

Johnson was arrested that same day and released from jail on bond later in December, records show. He is not attending the Dove Academy now.

By law, a person of Johnson's

age who is charged with first-degree rape is to be held accountable as a youthful offender, but prosecutors can apply to have the defendant treated as an adult. That option was pursued in this case.

An April 22 report by the Oklahoma Office of Juvenile Affairs states that Johnson, should he be found guilty of first-degree rape, "would not be an appropriate candidate" for the juvenile or youthful offender systems.

"His institutional level treatment program would require a minimum of 18 months to complete, while his after-care would require an additional year to year and a half to complete," the OJA reported.

Johnson will turn 18 on Sept. 27. Because of his age, he doesn't have enough time "to complete an entire treatment regimen" within the juvenile or youthful offender systems, according to the OJA.

Assistant District Attorney Jack Thorp said the rape charge contains "severe allegations" that Johnson raped a girl in a school restroom by use of force and violence.

The girl told police that "an older boy named Donnie" followed her into the restroom, pulled her pants down, forced her to the floor and raped her, reports indicate.

Defense lawyer Jim Fransein requested that Johnson be treated under youthful offender guidelines.

Dr. Susan Phillips, a psychologist retained by the defense, found that his "amenability to treatment is very good," Fransein said.

Phillips' report states that Johnson is "less sophisticated and mature" than his age would suggest and that his prognosis for "leading a crime-free future life is very good."

If convicted, a 17-year-old who is certified as an adult on a first-degree rape charge faces a punishment range of five years to life in prison.

When a defendant who is certified as a youthful offender and who takes part in an OJA treatment plan reaches the age of 18 years and five months, he or she will return to court for a judge to decide whether the offender is to be discharged from custody, put on probation with the Department of Corrections, or incarcerated in an adult prison.

A defendant who is certified as a juvenile cannot remain under the jurisdiction and supervision of juvenile court officials beyond his or her 19th birthday.

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