



4 TO STAND TRIAL OVER SEX WITH IMPAIRED WOMAN

Detroit Free Press (MI)

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Date: March 19, 1993; **Page:** 4B

Edition: METRO FINAL; **Section:** NWS

Four Macomb County men face trial on charges they had consensual sex, including group sex, with an 18-year-old New Baltimore woman who has Down's syndrome. Prosecutors say the men should have known that the woman, who has an IQ of 57, is mentally impaired.

All four were bound over Thursday on third-degree criminal sexual assault charges, which carry a maximum penalty of 15 years in prison. Judge Harold Ryan reduced the charges from first-degree criminal sexual assault at a preliminary examination in New Baltimore.

The men are brothers Steven Moutard, 20, and Scott Moutard, 22, both of New Haven; Thomas Coalts, 18, of Chesterfield Township, and Gary Durrance, 20, of Mt. Clemens.

Macomb County Assistant Prosecutor **Scott Weinberg** compared the case to the recent conviction in New Jersey of four men for having sex with a mentally impaired woman. The New Baltimore woman has the mental ability of an 8-year-old and cannot legally decide whether to have sex, he said.

Defense attorneys said the men knew that she was "different" but that didn't mean she was mentally incapable. "The fact that she may be socially impaired falls light years short of being mentally incapable," argued Dennis Johnston, attorney for Coalts.

The men admitted that they had sex with the woman, whose mother complained to State Police after confronting her daughter.

The victim testified that she agreed to sex, even though she knew it might not be right.

The woman said she never told the men she was impaired.

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