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Molester gets probation

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LA GRANGE — Admitted sex offender Donald Edens wasn't even in the courtroom when he got his freedom.

But Edens, 63, will be back at his Bedford home within a couple of weeks. Retired Judge Dennis Fritz released him on shock probation Monday. Edens will have to undergo outpatient treatment as a sex offender.

He had applied for probation in September after serving about a year and a half of a 20-

year prison sentence for fondling three children in the 1960s and '70s in Oldham County and a young relative in Trimble County in 2000. Edens pleaded guilty to 51 counts of sexually abusing children in April.

Fritz agreed to Edens' probation despite two sex-offender assessments that said he was at high risk to offend again and opposition from Commonwealth's Attorney Kim Snell.

In September 2000, Fritz and public defender John West discussed ways to settle Edens' case with then-

Commonwealth's Attorney Bill Croley, the judge said.

West said he, Croley and Fritz were discussing allowing Edens to serve jail time for the Trimble County crime. Upon his release, Edens would enter sex-offender treatment with the understanding that he would complete it and follow other rules or the Oldham County charges would be filed.

West said he was concerned when Snell took office and Fritz retired before a formal agreement could be signed. After Snell took office, he filed the charges against Edens.

Snell said he was unaware of any such arrangement and maintained that Edens should not be released.

"The only reason he is even eligible for shock probation is because the offenses occurred in the 1960s and '70s, before the adoption of the new penal code," he said, adding that Edens would not be eligible for parole now for those crimes "by any stretch of the imagination."

Snell also pointed out that two sex-offender assessments — including one completed last

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month — ranked Edens as a high risk to reoffend. He said Edens was welcome to withdraw his guilty plea if he felt prosecutors were renegeing on a deal.

"I am not hesitant to proceed with this case if that's what it comes down to," Snell said.

But there ended up being no need.

Fritz said he looks at four factors when considering probation: how can they avoid having a young child testify in court; whether the family supports the abuse claim; whether there is agreement on the facts of the case; and whether Edens would undergo treatment.

If those factors are affirmative, Fritz said, there is a low likelihood of reoffending.

Fritz said he knew his ruling would be controversial but felt the four factors had been met.

He ordered that Edens must attend sex-offender treatment, pay for his young relative's counseling and report to the court at least once every 90 days.

He cannot have contact with his victims; live, work or contact children without special approval or supervision; and submit to random drug and polygraph testing.

West said officials would never have known of the earlier abuse cases if Edens hadn't admitted the crimes.

Edens entered sex-offender treatment before he was charged in Oldham County and acknowledged wrongdoing.

"It sends the wrong message (to say), 'If you come forward and admit to these things that we are going to lock you up for the rest of your life,'" he said.

West also noted that some objective criteria in the sex-offender assessments said Edens was a low risk to reoffend.

According to court records,

Edens pleaded guilty to sexually abusing a 5-year-old Trimble County girl in February 2000. He was sentenced to serve five years for that crime.

He began serving it earlier this year along with his Oldham County sentence.

The Oldham charges stem from Edens having sex with his adopted stepson from 1968 to 1975.

In an April letter to Fritz, the then-35-year-old stepson asked the judge to make Edens spend time in jail.

"My earliest memories are of being sexually abused by Don Edens," he said in the letter. "All of my childhood memories are defined by his acts of sexual abuse. Only by determination and the grace of God have I been able to move forward in life. Many of my struggles in life can be linked to this abuse. ...

"This is why perpetrators must serve a just amount of time. I will live with this the rest of my life. Don Edens should pay the same price. It will be a very unfortunate day when he walks the streets. He is a perpetrator of the worst kind. ..."

According to a report from Kentucky State Police Detective Greg Larimore, Edens also required his stepson to have sex with the older man's girlfriends and later, his wife. The report said he abused the boy from the time he was 3 until he was 18.

Edens was indicted by an Oldham County grand jury March 2, 2000, and a Trimble County grand jury the next day. He pleaded guilty Dec. 7, 2000, to the charges in Trimble County and received a 5-year sentence.

Edens pleaded guilty April 5 in Oldham County. He was sentenced to 20 years on April 11 to run concurrent with the Trimble County sentence.

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