

School janitor convicted in sex assault gets 80 years

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SCOTTSDALE - A former Scottsdale schools janitor convicted of sexually assaulting a 14-year-old Saguaro High School girl was sentenced Thursday to 80 years in prison.

The punishment announced by Maricopa County Superior Court Judge David Udall amounts to a life sentence for Roberto Lemus-Retana, 27.

He was found guilty in May of six felony counts, including four counts of sexual conduct with a minor, one of public sexual indecency and one of sexual abuse stemming from the incident last August.

Lemus-Retana's jury trial lasted 10 days and included testimony by the now 15-year-old student.

The janitor was initially charged with 10 felony counts.

If he is ever released, Lemus-Retana - an undocumented immigrant - is required by law to register as a sex offender.

The student, then an incoming freshman, said the assault occurred when she returned after school hours to retrieve a book she had left behind.

In tears, the girl described to the jury how she was confronted in a bathroom. She said Lemus-Retana told her to pull down her shorts, but when she refused, he pulled them down, kissed her on the mouth and fondled her, and then took her into a computer room.

Deputy County Attorney Rebecca Baker said that Lemus-Retana used a key to get into the computer room where the janitor forced the girl to bend face down over a desk, masturbated and attempted to have intercourse with her.

When the girl's cell phone buzzed, she told him it was probably her mother and that she had to go, Baker said, adding that Lemus-Retana let her go but grabbed her arm and warned her not to tell anyone.

Girl told jury she feared harm

The student testified that she didn't run away from the janitor because she was afraid he might harm her. When asked by Baker if she tried to flee, she said, "No, because I was scared; because if I didn't make it, I didn't know what was going to happen."

Lemus-Retana's defense attorney, Jose Montano, told the jury that the girl was not telling the truth and that the student invited his client into the bathroom.

"That lady is lying," Montano said, pointing to the girl. "This will be a difficult case to defend because Scottsdale officers did a one-sided, biased police investigation."

Montano argued that the victim told Lemus-Retana that she was 17 and initiated the sex because she wanted money.

The girl, who is not being identified by the *Scottsdale Republic* because she is a minor and sexual-assault victim, denied the attorney's claims while on the stand.

Another court action pending

The victim's family filed a lawsuit in May against the Scottsdale Unified School District for failing to protect the girl, but the lawsuit was sealed at the family's request to protect her privacy.

Craig Knapp, the girl's attorney, said the lawsuit also names two divisions of San Francisco-based ABM Janitorial Services, the company that employed Lemus-Retana.

The company has claimed that the janitor provided it with false documents about his citizenship.

ABM Janitorial Services is the company hired by the Scottsdale Unified School District to provide service at 29 of its 34 schools.

Scottsdale schools spokesman Keith Sterling said that both contract and district employees must undergo background checks, and that Lemus-Retana did undergo a check and would not have been working if anything suspicious had turned up.