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Former guardian to stand trial on sex abuse charges

*MIKE MARTINDALE**The Detroit News*

Clarkston — A 49-year-old Bay City man will stand trial on charges he sexually abused a mentally impaired man for whom he served as a court-appointed guardian, a district judge ruled today.

Clarkston District Judge Joseph Fabrizio ordered Duane Emery Kuerbitz to stand trial in Oakland County Circuit Court after the alleged victim, 32, testified from behind a screen on the witness stand that Kuerbitz abused him over a two-year period.

Kuerbitz was charged with first-degree and third-degree criminal sexual conduct and an additional first-degree criminal sexual conduct requested by Oakland County assistant prosecutor Heather Brown. The charges carry a penalty of up to life in prison. On Brown's request, Fabrizio closed the courtroom for the alleged victim's testimony to all but the attorneys involved, Kuerbitz and a caseworker. Fabrizio said the alleged victim qualified as a mentally impaired person and extra steps could be taken to obtain testimony free of distraction or fear. Fabrizio also permitted a screen to be placed around the man on the witness stand so he did not have to make eye contact with Kuerbitz.

Community mental health worker Christine Grippi, who has known the alleged victim since June 2009, described him as an extremely "trusting" person who saw Kuerbitz as "pastoral" and a "father figure" but complained his guardian had sexually abused him. Grippi noted the alleged victim has mental challenges that make it difficult for him to make decisions in his best interests.

"I was with him (alleged victim) at a restaurant once and got up from the table briefly and when I returned learned that he had asked our waitress — someone who he had just met — to be his guardian," Grippi testified.

Investigators from the Oakland County Sheriff's Office said allegations were reported at a Brandon Township home where the pair lived. They said the case against Kuerbitz is even more troubling since he is also a convicted sex offender — something that was known to a Wayne Probate Court judge and a prior guardian for the alleged victim — when he became the man's guardian.

Kuerbitz was released from prison in 1998 after serving seven years of a 3- to 15-year conviction for sexually assaulting a 6-year-old relative.

Defense attorney Lanita Haith told Fabrizio both witnesses' testimony was "incredible" and unsuccessfully argued that the case be dismissed. Kuerbitz was remanded to the Oakland County Jail in lieu of \$2.5 million bond.

mmartindale@detnews.com > mmartindale@detnews.com (248) 338-0319

