

'LEAD PAINT' DEFENSE

BID BY 'RAPE' TEEN

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STEVEN VASQUEZ
"Intelligence of 5-year-old."

EXCLUSIVE

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A young woman woke up in her Central Park West sublet in July 2007 to find her fire-escape window open and two 15-year-old boys standing over her bed. One of them was pointing a handgun at her head.

Over the next few hours, the boys took turns raping the bound, gagged and terrified woman. They left, taking her laptop, cellphone, iPod, digital cameras and credit cards.

Now the boy with the gun - Steven Vasquez, according to DNA and his own police confession - is hoping for a break.

Vasquez's lawyer says his client is mentally retarded due to childhood lead exposure, and she wants him tried in Family Court as a juvenile.

Lead paint in the West 129th Street home he grew up in left Vasquez so brain damaged he is unable to read.

"He's basically the mental age of a kindergartner," says his lawyer, Elsie Chandler, senior trial attorney with the Neighborhood Defender Service of Harlem.

Tried as an adult in Manhattan state Supreme Court, Vasquez faces a likely maximum sentence of 10 years, most of which would be served in a state facility once he turns 18.

"He'll be raped, brutalized, hardened," Chandler said.

Family Court could send him instead to a locked, therapeutic state facility for mentally retarded criminals, Chandler said last week after the teen's latest court appearance.

There, he would be held, and treated, until he is 21. Then, if state officials determine he is no longer a danger, he could be freed.

"This crime is every person's worst nightmare," Chandler conceded. "But what kind of kid do we want him to be when, either way, he is released."

"As a society, do we want to be prosecuting - as an adult - someone with the intelligence of a 5-year-old?"

Chandler said she would file appeals as high as she needs to to overturn a state law that gives prosecutors sole discretion over whether a juvenile charged with murder, rape or armed felonies goes to Family or adult court.

For now, prosecutors aren't budging. Vasquez was first to pull down the woman's underwear, the first to penetrate her, and raped her at least three times, they allege. He was a full and willing participant, they say - deserving of no break whatsoever.

"It doesn't matter," one law-enforcement source who worked the case said, referring to Vasquez's lead-poisoning damage.

"If my dog got rabies, I'd still put him down. Yeah, that's too bad that that happened to you, but you still need to be in a cage for the rest of your life."

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