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One step closer to the end

March 31, 1996 12:00 am • [AMANDA BEELER](#)

GARY - "A.V. Ballenger, there is absolutely no doubt in my mind you are a child molester."

The father of the 7-year-old girl A.V. Ballenger was convicted of fondling often replays those words in his mind, words he said were spoken at the church deacon's sentencing.

In July 1993, Ballenger was sentenced to five years in prison for fondling the man's daughter during a Sunday school class in a classroom at First Baptist Church of Hammond.

Since his sentencing, Ballenger, 60, has been free on bond while his case was appealed.

The victim's family has not seen the former steelworker from Hammond, but said as far as they know Ballenger still attends First Baptist Church.

Last week, the Indiana Court of Appeals upheld Ballenger's conviction and barring a reversal by the state Supreme Court, he will finally have to go to prison.

When he heard the appellate court had upheld the conviction, the girl's father said it felt like a huge weight moved off his chest.

"If it had been me, I'd be handcuffed and sent to jail," said the victim's father as he sat at his kitchen table, his hands fidgeting in front of him. "I understand the law but he shouldn't have been allowed to walk on the streets for so long after. My mind will be settled when I see him have to turn himself in."

Ballenger was convicted of fondling the 7-year-old through her clothing in the pubic area as he sat beside her during a Sunday school class on June 2, 1991.

Unlike most child molestation cases, an eyewitness saw the crime.

Tamara Wenger, a Sunday school worker at the church was one of the cases key witnesses, said former Lake County Deputy Prosecutor Clarence Murray, who was lead counsel for the state in the Ballenger case.

Ballenger testified that he put his arm around the girl because she was cold in the air-conditioned room, but that he did not fondle her.

Ballenger could not be reached for comment.

Although Murray never doubted that Ballenger's conviction would be upheld, he said he didn't expect the appellate court decision to take so long.

From the first time he interviewed the eyewitness and the girl, Murray said he was convinced that Ballenger was guilty.

"The temptation is to disbelieve it because its always been viewed as such a horrible crime that adults can't conceive that anyone would do that to a child," Murray said.

At the sentencing hearing after Ballenger's conviction, three women, including Ballenger's niece from Alabama, came forward to say he had done similar things to them.

"Usually molesting is not done in public and in full view of someone. This was a situation where an eyewitness admitted she couldn't believe it at first and continued to stare to make certain what she was seeing was actually happening," Murray said.

The family, who joined the church in 1975, initially decided to keep the incident within the church community.

They informed First Baptist's pastor, the Rev. Jack Hyles, about the problem and believed him when he said he would help.

Murray said he was not surprised the family tried to keep the problem within the church.

"Rev. Hyles is revered by his parishioners," Murray said. "When a man of his stature says he'll look into it that was enough for them. They just wanted to protect their little girl. It's not like they came flying down here to Crown Point."

Two months later, the parents said no action had been taken, so the family finally went to the police.

"I still got a guilty feeling myself that what I did was wrong by going against the church," the girl's father said. "It still gnaws on me, but I know I'm supposed to protect my daughter."

Although the family had attended First Baptist for years, the majority of the church members came to Ballenger's defense. During the trial they packed the courtroom to show their support.

"It was a situation where a large group of people simply refused to even consider that these allegations could be true," Murray said.

"No one ever asked how my daughter was doing," said the victim's mother. Threats were sent both to prosecutors and the family during and after the trial, and the girl's father still fears for his family wondering what someone might do to hurt them.

"That man (Ballenger) don't realize how he hurt our family," he said.

The victim's father, an alcoholic and ex-convict, was travelling with an evangelist and working in jail ministries when his daughter was molested. Since then he has been unable to move on. He still drinks heavily and has been unable to join jail ministries through other groups because he is not sober.

"That man destroyed everything I was trying to do," he said.

His wife, sitting beside him, agreed. "It's hit him the hardest," she said softly.

The girl, who is now 12 years old, is the second youngest of nine children, and according to her parents, sibling and a family friend, she is happy and well adjusted.

She plays basketball and was a cheerleader and volleyball player. Her long hair, now cut short, frames her face in her most recent school picture.

Right after the fondling, she attended therapy with her mother through Lutheran Social Services, until the therapist thought she didn't need it any more.

She has told her parents she will be happy when it is all over and Ballenger is in jail.

"Hyles made it seem like there was no life after First Baptist Church, but

there is," the girl's mother said.

The family attends a new church and the children are involved in church activities and choir.

"My kids are stronger in God than they were before," their mother said.

A civil suit filed against Ballenger and the church by the girl's family was settled almost two years ago. Her parents would not disclose the terms of the settlement.

James Foster, Ballenger's attorney, expects that the most recent court decision will be appealed to the Indiana Supreme Court.

Foster said he hopes that the Supreme Court would look at whether the defense should have been allowed to question the jury foreman who was out of the jury room at one point and to determine further whether actual genital touching occurred in this case.

"The appellate court ruled that a touching of the genital area presumes intent. We agree," Foster said. "Our issue was whether or not there was a touching of the genital area."

Barring any further appeals, Ballenger would have to turn himself in shortly, Foster said.

"The irony of the whole situation is if Mr. Ballenger had gone directly to prison after his conviction, like most people do, he would be out already," said Gary Bell, another deputy prosecutor on the case.

Prisoners who are good receive two days credit for one day served so the sentence would have only been for two and a half years, he said.

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