

Attorney: Wrestler, unhurt, hazing exaggerated

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Hazing or horseplay?

An attorney for one of the Deltona High School wrestlers accused of hazing a teammate is arguing that too much has been made of what happened before a wrestling meet a week ago today.

Witnesses told Volusia County sheriff's investigators that wrestlers Breton Fudge, Robert Kennedy and Joseph Linebarier hogtied a teammate with jump ropes while Kennedy repeatedly shocked the victim with a device used to ignite gas grills. The three face criminal charges and possible expulsions.

But an affidavit released Monday by attorney Bradley Sherman - who is representing Fudge, a 17-year-old senior - downplays the hazing.

According to a sheriff's report, a group of four wrestlers tied a teammate's hands and feet and put tape over his mouth. Later, three of the aggressors in the first incident, Fudge, Kennedy and Linebarier, turned on the fourth member, holding him down, tying him up and using the grill igniter on the boy's back and buttocks. The victim of the first hazing said in the affidavit: "I was not injured in any manner, and at no time was I in fear of being harmed. At the time, the incident seemed like ordinary 'horsing around,' similar to backyard play."

He said he was present when the second victim was being tied up with jump ropes.

"He did not appear to be in fear of being harmed and he did not appear to be humiliated in any manner whatsoever," the first victim said.

Fudge did not encourage and was not responsible for pulling down the second victim's sweatpants, exposing his buttocks, according to the affidavit. "(Fudge) eventually put a stop to the incident," the first victim said.

Sherman said Fudge is remorseful that the horseplay might have humiliated the second victim, but said he doesn't believe it was hazing.

"These are teenage boys engaged in a physical sport," the attorney said. "They always clown around. This time, they went too far."

Meanwhile, a professional standards investigation of the coach, Brian Kells, continued Monday, but no determination was made, said Deputy Superintendent Tim Huth.

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