

# **RACERS AGAINST CHILD ABUSE**

## **NO EXCUSE**

We started Racers Against Child Abuse to help people understand that child abuse affects everyone. We are no exception. We would like you to know that the perpetrator in our son's case has already been convicted by a jury in King County (Washington) Superior Court, of Assault of a Child in the Second degree. She was sentenced to 36 months in prison. While the name of the perpetrator is a matter of public record, we will not be naming her here. The anger and pain she has caused our family does deserve public recognition, but we feel that here is not the place to do it.

We write this simply to share our story. This is information that we swore on under oath in court as we both testified, as did my father.

### **Here is our story:**

Nat and I waited a long time to have kids. We had been married for 8 years before we decided to take the enormous plunge into parenthood. It took us 15 months and hundreds of dollars in fertility treatments, but by October 2011 we finally conceived on our own. Our precious son Sam was born almost 9 months later and was perfect in every way.

We had great support from family and friends. After my maternity leave ended, my father took on caregiving responsibilities on Fridays and Nat took Mondays. That left Tuesday through Thursday for one of our close friends ("the perpetrator") to care for Sam. She was very excited. She and her family came to see us in the hospital the day after Sam was born. The guys high-fived and pictures were taken.

**We met these friends at the racetrack. They were the kind of friends that we partied with, hunted pumpkins and Christmas trees with, and shared birthdays and holidays with.** We thought we knew them very well. We knew their in-laws, their brothers and sisters, even their dog.

I had to go on my first overnight business trip just after Thanksgiving 2012. Sam was 5 months old. The perpetrator agreed to keep Sam overnight the day I was gone. Nat picked Sam up the next day. I first saw Sam in the early-morning hours of Friday, November 30. He had a noticeable bruise on his cheek.

That Friday I worked from home and Grandpa came to our house to watch Sam while I worked. Sam wasn't feeling well. He had a fever and was vomiting a little. Nat and I took him in to see his pediatrician around 5 p.m. **It was at the doctor's office that we discovered the mushy lump on the back of Sam's head. When we brought it to Sam's pediatrician's attention, he said, "Guys, this is a skull fracture. I'll call ahead to Children's Hospital to let them know you're coming."**

On the dark, rainy drive from Kirkland to Seattle, we called and texted the perpetrator. "Is there anything you can think of that might have caused this?" Her answer: "I can't think of anything." At Children's, Sam endured a CT scan of his head. Luckily, there was no bleeding under the fracture. At this point, it didn't appear that he would suffer any consequences from the fall. We were asked over and over for some explanation of what happened. We didn't have one.

As part of the normal protocol when a child has unexplained injuries, Sam had to have full-body x-rays and was admitted for the night. The next day we met with social workers, CPS people, and then a Snohomish County Sheriff. We were interrogated separately from midnight to after 3 a.m. on Sunday. We also found out on Saturday that Sam's right leg had been fractured 2 to 3 weeks prior to receiving the head injury.

With no available explanation, the sheriff had no choice but to remove Sam from our care. We had to leave our 5-month-old son in the hands of total strangers at Children's Hospital. **Throughout all of this, the perpetrator continued to say that she didn't know how either of the injuries had occurred.** She knew that our child was going to be taken away from us, but still she said nothing.

On Monday, the work started. We placed multiple calls to our local CPS to find our case worker and find out when our hearings would be. We hired an amazing attorney to help us wade through CPS and DSHS. We started a 400-mile journey to gather statements from friends and family who could vouch for our parenting skills. We garnered almost 20 friends and family members to meet with DSHS the following Wednesday morning. This meeting would determine who DSHS would recommend to the judge our son be released to.

Monday was also the day that the perpetrator had her first interview with the Snohomish County Sheriff. Her lies continued.

On Wednesday morning, Nat was called in for a polygraph with Snohomish County at the same time as the DSHS meeting. He spent almost 3 hours meeting with the polygraph expert. We were hoping the results would be known by 1 p.m. so that the judge in the dependency hearing could release Sam back to us, but there wasn't another expert available to validate the polygraph results.

The dependency hearing at the Denney Youth Justice Center in Everett was excruciating. The judge sided with DSHS and released Sam to my brother. Sam was delivered to my brother's house the following morning. By the time the hearing was over, they determined that it was too late to ask the foster parents to bring Sam to the courthouse. It was only 4 p.m.

So, by 10 a.m. Thursday morning, we finally saw our son again! He was wiggly and happy and we were so relieved. We followed the rules to a "T" and never left the room with him and made sure we were always supervised.

The call came from our attorney at 3 p.m. that day: "She failed the polygraph! And you will have full custody of your son with NO CPS/DSHS record at 9 o'clock tomorrow morning when the judge can sign the paperwork." Polygraph records are not admissible in court, and we have not seen the Sheriff's Report. We have only seen a write-up to the judge from DSHS saying that the perpetrator intentionally injured our son (both times) and that our son should be released back to us.

We were also informed later, that Nat passed his polygraph. **Per the Sheriff, in child abuse cases the first suspect is the father/boyfriend, followed by the babysitter and then the mother, and that 99% of the time, the crime is committed by the father/boyfriend/babysitter.** We have also seen the report given from the King County detective to the Prosecutor that states that the perpetrator knew that Sam was injured both times and did not seek medical attention or alert us.

We spent that night in relief at my parents' house. We wanted to continue to follow the judge's orders until we knew the paperwork had been signed. The next morning, the judge delayed his court hearings in order to sign Sam's release back to us. We were on our way to a follow-up appointment with Sam's pediatrician (with a supervisor) when we got the call that Sam was officially "ours" again.

Neither of us had been involved with any criminal cases before. We had no idea how slowly things work. The perpetrator hadn't been charged or arrested when they made the determination that she was at fault. The Snohomish County Sheriff explained that he needed time to complete his investigation before charges could be filed. It took him until just after Christmas to complete his investigation, and then the file had to be approved by his supervisor and sent to a King County detective, since the crimes were committed at the perpetrator's home in King County.

I called the new King County detective over and over to find out when charges would be filed. It took her another month to format the file up to King County's standards. Once it was sent up to the King County Prosecutor's office, almost another month went by. King County takes its cases very seriously. Did you know that before they actually charge someone with a crime, the case has to

make it through several steps and attorneys? Just the police saying "She did it" isn't enough for the DA. There has to be sufficient evidence.

The DA in charge of Sam's file was a little surprised to hear from me. I was relentless in getting this file pushed through the process. She helped by getting us in touch with a children's-crime advocate and by mid-February, the perpetrator was charged with Assault of a Child in the Second Degree. If found guilty, she would have a Class B felony (one of the 3-strikes-you're-out kind of felonies), be sentenced to 31 to 41 months in prison, and pay restitution cost. **A protection order was put in place and she could not be within 500 feet of Sam and could not be around any minor (including her own child) without supervision.**

The perpetrator hired a private defense attorney and refused to plead guilty to any crime. The case was then handed over to a trial attorney. The next part took forever. Countless hearings were set to push the trial date out into the future. It appeared by August that there would finally be a trial. Scheduling is really tough and the trial didn't start until November 2013. I was the first to take the stand.

**I cried. I cried a lot. I cried for my son and for his pain. I cried for friends that I lost. I cried for the perpetrator's family. I didn't cry for her.** She sat there stone faced. No emotion at all, like we were strangers. I explained our friendship and how the childcare was worked out. Court was put in recess for the day and I started again the next morning, followed by Nat, and then my father.

When you are under subpoena, you can't sit and listen to what is being said, in case you are called back to the stand. We were told not to discuss the questions we were asked. We did feel like we did our duty and that justice would prevail. Has anyone ever told you how hard it is to seek justice? How nerve wracking and scary it is? How brave you have to be? I hope you never have to do it.

The prosecutor also called the team from Children's that had treated Sam that weekend: the radiologist, the ER doctor, the head of the Child Abuse Division at Children's, and the Snohomish County Sheriff's detective who did all the investigation. We don't have the transcripts from the trial, but they are available for a small fee through King County's website.

We aren't exactly sure who the defense called, but we do know that the perpetrator's husband and her mother-in-law testified on her behalf. The trial ended on the following Monday. **The jury deliberated for about 45 minutes on Monday and then for another 2+ hours on Tuesday. They came back and found the perpetrator guilty of one charge of Assault of a Child in the Second Degree.**

You would think at this point that she'd be arrested, right? Nope. She was allowed to post bail for \$2,500 so she could stay out of jail until sentencing on December 12. It wasn't until after the judge ordered her to serve 36 months in prison, that Nat got to see her be handcuffed and taken away.

**Of course, the trial didn't "fix" Sam. It didn't make the crime go away. But we feel like we did what we could for Sam to make sure that his perpetrator is punished for her crime.**

We are posed to move forward with Racers Against Child Abuse now a 501(c)(3) Nonprofit. We want to spread the word about prevention. We want tougher sentencing for abusers. We want the abused to speak out about their abusers.

Thanks for taking the time to read our story. We know there are folks out there who refuse to believe any of this. They believe that the Sheriff accused the wrong person, that the King County DA charged the wrong person, and that the jury of 12 of her peers convicted the wrong person. Believe what you want, but **please don't allow child abuse to remain in the shadows. There is no excuse.**