

Young mother convicted of criminally negligent homicide in her baby's death

New York authorities victimize the victim

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22 May 1999

A 12-person jury in the Bronx, New York state supreme court found a young mother on welfare guilty of criminally negligent homicide Wednesday in the death of her infant son. The defendant, Tabitha Walrond, 21, could receive as much as four years in prison when she faces sentencing on June 30. The jury acquitted her on the more serious charge of second-degree manslaughter, for which she could have received a maximum penalty of 15 years.

The Bronx District Attorney brought these charges against Ms. Walrond to cover up the state's responsibility for the death of her seven-week-old son Tyler, who died of malnutrition on August 27, 1997. Tabitha Walrond was 19 when she gave birth to Tyler, and breast-fed him every day because, as she testified in court, she was told that this was the best method of caring for her child. She took natural childbirth classes on a regular basis in preparation for delivery. However she was never told that breast reduction surgery that she had undergone at age 15 put her at great risk of not being able to provide sufficient nutrition for the infant. Furthermore, she never got the medical care for her son to which she was legally entitled under the Medicaid program.

In a cruel and bizarre turn of events, a young mother who has lost her child as a result of cuts in medical benefits for the poor now faces the prospect of prison time. The prosecution in Tabitha Walrond's case sought to made an example of the young woman, demonizing her as a monster who willfully neglected and starved her infant in retaliation against her former boyfriend, the father of the child, who left her for another woman.

But Tabitha's testimony at the trial showed her to be a loving mother, not a criminal. She described her frantic

attempts to save her child on the day he died. She cried on the witness stand as she described how she found Tyler looking lifeless and foaming at the mouth, and rushed him in a cab to the hospital. She rapped on the taxi's partition, urging the driver to speed up. She cried, "Hurry up, something is wrong with my baby, something is wrong with my baby." She tried to convince the driver to run through red lights, but it was too late. "He left me, he died in the cab. I felt him leave."

During the three-week trial the prosecution sadistically displayed a series of pictures of the infant, showing him at the beginning and end of his short life. Ms. Walrond broke down in tears as the photos were shown a video monitor. When she was asked to look at the pictures she said, "Now I see the difference in the pictures, but no, when he was in front of me, I didn't see the difference."

Defense witness Dr. Stephen Ajl, chairman of the child abuse committee at Kings County Hospital in Brooklyn, testified after examining all of medical records, including the pictures, that there had been no child abuse or neglect in this case. Other pediatricians with expertise in lactation testified that Ms. Walrond did not realize that her previous breast reduction surgery put her at risk of not supplying adequate nutrition for her infant.

Tabitha Walrond's case is almost identical to that of Tatiana Cheeks, a 21-year-old welfare recipient in Brooklyn, who also breast-fed her baby and lost her six-week-old infant due to malnutrition. She was also denied proper examinations for her child entitled to her under Medicaid. However in Ms. Cheeks case the Brooklyn District attorney decided not to prosecute.

The verdict in Ms. Walrond's case has now set a precedent for future prosecutions of similar victims of New York's attack on welfare benefits.

Both of these tragedies were the result of New York Mayor Rudolph Giuliani's deliberate policy of making welfare, food stamps, and Medicaid assistance as difficult to obtain as possible. As a result of a lawsuit brought forward by advocates of the poor, a federal judge has ordered the city to end its illegal obstruction tactics. However, an audit of New York welfare centers has indicated that the same tactics used to deny benefits have continued despite the federal ruling.

Mayor Giuliani is not alone in the US in his efforts to slash aid to the needy. A recent report by Families USA concludes that 675,000 people, 420,000 of them children, have lost Medicaid coverage nationwide as a direct consequence of the federal welfare laws passed in 1996. Many states and municipalities have utilized the cuts in welfare benefits to illegally reduce Medicaid benefits as well. Families USA has criticized the Clinton administration for not enforcing the law that guarantees medical benefits to the needy, which he is required to do, but seeking rather to persuade state and local officials to do so.

Assistant District Attorney Robert Holdman said in his closing argument, "This is not a case about a failure of the system. What failed here is the defendant. She failed her son." In the press conference after the trial Bronx District Attorney Robert T. Johnson summed up the attitude of the prosecution when he said, "How can you imagine any mother seeing her child like that and not absolutely jumping up and down in the emergency room saying, 'Look at my child'?" Defense attorneys Susan Tipograph and Roma Baran did not challenge the prosecution's claim that Ms. Walrond had failed Tyler, but argued that it was not criminal negligence, but rather a tragedy caused by the health care system, and the failings of Tabitha's own mother.

After the closing arguments, it took the jury only two and half hours to reach its verdict. They rejected the prosecution's charge that Ms. Walrond deliberately starved her infant in a rage of jealousy against her former boyfriend, and therefore found her not guilty of manslaughter. They accepted, however, the prosecution's argument that the defendant had individual responsibility for her son's death, and therefore found her guilty of criminally negligent

homicide.



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