



News Release

CONTACT: Jared Webley
Public Policy and Communications Manager
Office: (509) 477-2479
Cell: (509) 960-1082
jcwebley@spokanecounty.org

FOR IMMEDIATE RELEASE:

Spokane County Prosecutor's Office Provides Information Regarding Difficult Decision in Williams Case

SPOKANE COUNTY, August 1, 2019 – In July of 2016, the Spokane County Sheriff's office Deputies responded to 12114 E. Cataldo Ave. in Spokane Valley for a reported incident of domestic violence. Upon Deputies' arrival, Mr. Taliferro Williams was found to have fled the residence. During the course of the investigation, Deputies interviewed Virginia Graham, Williams' Mother. Deputies noted that each of three children present, HEW (15 months old), BJW (3 years old), and ARW (4 years old) had several injuries, the most serious of which were described as a broken tibia (BJW) and corneal scarring on an eye (HEW). Virginia Graham provided no information as to the injuries to the children. ARW gave a statement to nursing staff.

A referral was forwarded to the Prosecutor's office requesting charges of: Assault 2nd Degree (Virginia Graham); First Degree Robbery (Virginia Graham); Unlawful Imprisonment (Virginia Graham); Harassment Threat to Kill (Virginia Graham); Second Degree Child Assault (all three children); and Second Degree Child Abandonment (all three children).

On August 2nd, 2016, an Information was filed charging Williams with one Count of Second Degree Assault (Virginia Graham); one count of Harassment Threat to Kill (Virginia Graham); One count of Second Degree Robbery (Virginia Graham); and one count of Unlawful Imprisonment (Virginia Graham). The child assaults, though not charged, remained under review pending receipt of additional investigation. On November 2nd, 2016, Williams pleaded guilty to Felony Harassment and Unlawful Imprisonment. He received a 17-month prison sentence.

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In April, 2019, an amended referral was sent to the Prosecutor's office requesting charges of Assault of a Child in the First Degree (BJW); two counts of Assault of a Child in the Second Degree (ARW and HEW); and Abandonment of a Dependent Person in the Second Degree (all three children). Subsequent interviews were conducted of the lone child to have made a statement (ARW).

Upon receipt, the Prosecutor's office requested review of all available information by several senior Deputy Prosecuting Attorney's. A statutory analysis under RCW 9.94A.411 (Charging Standards) was conducted.

Medical professionals who examined the children found that B.J.W. had a left spiral tibial fracture. According to a radiologist who examined the child, the fracture was acute and likely occurred within several days of the child being examined. A.R.W. had bruising and injuries on her body., including a bruise and a laceration on her right shin. The children were taken to the hospital.

At the hospital, A.R.W. made statements to nursing staff indicating that both her injuries and B.J.W.'s injuries were caused by Williams hitting them with a broom handle. A.R.W. also made similar disclosures during a subsequent forensic interview in 2016.

In June 2019, A.R.W. underwent an additional forensic interview, during which she provided a significantly different account of her injuries and the cause of injury to B.J.W. During the 2019 forensic interview, she stated that she had been spanked on the bottom with the part of the broom that "you sweep with" and that she did not see anyone else get hit with the broom. She also indicated she was hit only a single time with the broom. Contrary to her initial statement, she said that B.J.W.'s leg was broken in the bathtub and that she did not see it happen. She stated that her dad told her B.J.W. was taking a bath and then he came out with the cast.

The evidence that is likely to be admissible at trial is not sufficient to support the filing of the referred felony charges. After a careful review of the available evidence
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likely to be admitted at trial, a decision was reached to decline the prosecution for insufficient evidence based on the inability to meet the requirements of the statute. The specific reasons include, but are not limited to:

- First, A.R.W.'s initial statements to the nursing staff and her 2016 forensic interview are unlikely to be admitted under the child hearsay statute, RCW 9A.44.120, because she did not describe an act of physical abuse against her that resulted in substantial bodily harm.
- Second, A.R.W.'s statements from 2019, even if true and believed by a jury, do not establish acts that would support felony charges beyond a reasonable doubt.
- Third, B.J.W. and H.E.W. were not able to provide initial or subsequent statements about their injuries, in part because of how young they were.
- Fourth, there were no other known witnesses to the children's injuries. At trial, the only admissible evidence on which the State could rely would be A.R.W.'s testimony regarding the mechanism of her injury based on her current memory of these years-old events. But A.R.W. would be subject to cross-examination regarding the inconsistency of her statements in 2016 and 2019, and the fact that her 2019 statements almost directly contradict her 2016 accounts and significantly undermine her credibility on the central issue of disputed fact - what Williams did to her, and how he did it.
- Finally, In April 2017, CPS interviewed Williams about unrelated sexual assault allegations, which he adamantly denied. Law enforcement officers also inquired about the fracture to B.J.W.'s leg. During this interview, Williams said he fell onto B.J.W.'s leg when it got stuck on a bed post. Additionally, Williams acknowledged that he made a splint instead of seeking medical attention - which is consistent with the Pringles can supporting B.J.W.'s leg as a cast when law enforcement first encountered him in 2016. The mechanism of injury described by Williams is consistent with the injury observed by medical professionals.

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Specifically, during a consultation with Partners' medical staff, medical professionals indicated that Williams' description of how B.J.W. was injured is consistent with the specific type of fracture that B.J.W. suffered. Teresa Foreshag, a medical professional with Partners, stated that Williams' withholding of medical treatment from the child from the time of the initial fracture to the time of treatment was not long enough to create an imminent or substantial risk of death or great bodily harm to the child; this analysis forecloses a charge of Criminal Mistreatment.

Based on all of these factors, there is simply insufficient admissible evidence to prove the felony charges beyond a reasonable doubt. In addition, Williams has provided a plausible accidental explanation for the spiral fracture B.J.W. suffered, and it is nearly impossible for the State to meaningfully refute that explanation at trial.

There is insufficient proof to meet all the required elements of the referred charge of Assault of a Child in the First Degree, as set forth in RCW 9A.36.120(1)(b)(i) and (ii). J.B.W. did not suffer "great bodily harm" under the statutory definition in RCW 9A.04.110(4)(c). There is also no admissible evidence that would prove that Williams engaged in a "pattern of abuse" against J.B.W. under RCW 9A.36.120(1)(b)(ii). This charge is therefore not supported even if the State could prove that Williams intentionally caused J.B.W.'s injuries.

Similarly, there is insufficient evidence to prove the required elements of the referred charges of Assault of a Child in the Second Degree, RCW 9A.36.130 as referred for both A.R.W. and H.E.W. There is no medical evidence to support "substantial bodily harm" and no admissible evidence to prove a "pattern of abuse" under RCW 9A.36.130. Even if a lesser count of Assault of a Child in the Third Degree was considered as to each child, there is not sufficient evidence to prove the mechanism of injury as required under the statute. The evidence to support the requested charges is not sufficiently reliable, corroborated, and admissible.

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Likewise, the referred charges of Abandonment of a Dependent Person in the Second Degree are not sustainable here, because the State cannot prove that any harm suffered to the children was the "result of being abandoned" or that any abandonment created "an imminent and substantial risk that the dependent person will die or suffer great bodily harm" as required under RCW 9A.42.070. Fleeing from the residence prior to police arrival does not meet statutory requirements for abandonment, either. Based on all of the foregoing information, there is not sufficient admissible evidence to support the charges that have been referred. It is clear that the most plausible, reasonably foreseeable defenses are sufficient to raise reasonable doubt to any reasonable and objective fact finder. The State cannot file the requested charges on these facts and circumstances.

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