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### **Justice Did Not Fall on Deaf Ears**

*June 26, 2014- Tamuning, Guam-* In April of last year, Anthony L. Morcilla, a probation officer with the Superior Court of Guam picked up his daughter- the 2 year-old victim- and his older child from their mother; something he did every day during a work week. The young child fell asleep during the course of dropping the older one to school. Her car seat was positioned in the middle of the back seat and in direct line of vision from the rear view mirror. Unfortunately, his younger child died as a result of him leaving her locked in his truck while he went to work during the day for approximately 7 hours.

Morcilla was found not guilty on Thursday by a Superior Court Jury of negligent homicide, leaving his 2 year-old child unattended in a motor vehicle, and child abuse-all as third degree felonies.

This is one of those cases where there are no winners. A father lost a child, albeit by his hand. But Justice is blind. The law applies to good people as well as the bad. Justice, sometimes, means doing what is right and not what is popular. Sometimes what is a right, correct and just decision can be an extremely difficult one. An easy decision is prosecuting a bad guy for doing a bad thing. An easy decision also would have been let a grieving father go. My staff however, looked at all of the facts in this case and concluded it cried out for justice. They looked at all of the facts and did what they could to give the young, innocent and trusting victim in this case a voice. Lost in all of the written and spoken words is the fact that there was a victim that needed to be heard.

Her pleas and cries for justice did not fall on deaf ears. Since this case had been charged, people on Guam have added steps in their routine of dropping off and picking up of children. I personally know of families who call each other when they drop off their child. When the one family member does not hear from the other, he or she calls. With mobile phones so inexpensive and prevalent these days, there appears to be no excuse to not be aware.

Safety experts have made several recommendations regarding children and vehicles: 1. NEVER EVER leave a child unattended in a vehicle, even for a minute; 2. If you see an unattended child in a hot vehicle, call 9-1-1 immediately; 3. Be sure that ALL occupants leave the vehicle when unloading; 4. Keep a stuffed animal in the car-seat and when the child is put in it, place the animal in the front with the driver; 5. Place your purse or briefcase in the back seat as a reminder that you have your child in the car; and 6. Look

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before you leave your car when you get out. That last one is related to no. 3. My personal one is to be the very last one to leave the vehicle. This is not an exhaustive list, but my last one is that with many vehicles equipped with remote control keys, do not walk away, then lock your car using your remote.

If this case has any silver lining, it is making more and more people aware and attentive of their duties as parents, guardians or caregivers of young children in their vehicle. We should never be too busy for our children.

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