

Mother angry over handling of child molestation case

Monday, September 26, 2005

By Aisha I. Jefferson

With a retrial scheduled to start today for a 57-year-old McDonough man accused of having sex with a 12-year-old girl two years ago, questions linger from the first court appearance that ended in a mistrial. Primary among those are whether the police hindered the investigation by bad police work or whether it was just a series of bad luck.

The mother of the girl, who is now 14, is fuming over how the investigation has been handled.

The girl's mother said she believes that evidence was either not collected or that which was found inadmissible and not presented when the case went to trial in early August, could have sent the man she believes committed the act to jail.

Instead, visiting Clayton County Judge William Ison declared a mistrial because jurors could not agree on a verdict. One juror, who spoke to the Daily Herald on the condition of anonymity, said they believed something improper might have happened but the prosecution didn't prove it beyond a reasonable doubt. The jury was deadlocked 9-3 for acquittal on the main charge and 11-1 for an acquittal on the aggravated sexual battery and child molestation charges.

"I hope the jurors understand, upon the evidence that they have, that what he did is wrong," the mother said.

Alonzo "Buster" Phillips originally was charged with statutory rape in addition to the child molestation and aggravated sexual battery, but Ison later threw that charge.

The girl, who lived with her grandmother in McDonough at the time of the alleged sexual abuse, testified on Aug. 1 that various incidents took place between July 24 and July 31, 2003, where she and Phillips had a number of encounters, including times when they kissed, had intercourse and he touched other parts of her body.

As a result of the charges, Phillips was arrested and spent Aug. 4. to Aug. 6, 2003 in the Henry County Jail. Phillips, who denies the charges, was released on a \$45,000-property bond posted by Herbert Craig, the brother of McDonough Mayor Richard Craig. Herbert Craig's actions has the mother questioning Phillips' relationship with the Craig family, the city of McDonough and its police department. She said she wonders if favoritism played a role in how Phillips was treated. But McDonough Police Chief Preston Dorsey said there is nothing to question.

"There is no conspiracy and there is no cover up in this case. We collected whatever evidence was there and the evidence has to stand on its own merit," Dorsey said.

The girl's mother said she doesn't believe there is a conspiracy but believes a videotaped interview Phillips did with McDonough Police and a voluntary statement taken by McDonough Police Lt. Heath Mathews, which was found inadmissible and not presented during the trial, could have easily sent Phillips to jail.

During the Aug. 3, 2003 videotaped interview, Phillips tells Mathews, the investigating detective initially assigned to the case, he performed a sex act on the girl. On March 21, Ison declared the statement inadmissible based on Mathews promising benefits, including that Phillips would be allowed to go home. Ison is the presiding judge since Henry County Chief Superior Court Judge Hal Craig, who was originally assigned to the case, recused himself. Hal Craig is Mayor Richard Craig's second cousin.

"I can understand you making one mistake but not continuing to make mistakes that can harm her case ... By him making all these mistakes this can prevent my child from getting justice," the mother said about Mathews. "You know, they did a sloppy job."

The mother's reference to a "sloppy job" also is directed at pictures of Phillips' home that have been in question for a while. During her cross-examination of Mathews, Phillips' attorney, Jennifer Hanson, asked him if he "personally took the pictures or someone under [his] direction." Mathews said "somebody was there to take the pictures" of items the girl described in Phillips' home. However, Mathews now said that is not the case.

"There were none taken. It was my responsibility to make sure that there were pictures taken and I failed to do that," Mathews said,

adding that he didn't want to go into any more detail with the trial just around the corner.

He did say he applied for a search warrant and personally took pictures of Phillips' body for the new trial.

Dorsey defends Mathews' investigation, adding, "mistakes were not intentionally done and some things we don't have control over."

Mathews agreed with his boss, adding that, "If there is a crime of child molestation committed, I would personally love to see the person committing that crime go to prison."

At the time of the alleged incident, Mathews had been a police officer for 4 and a half years, and a detective for eight to 12 months, according to the Aug. 1 Henry County Superior Court transcripts. The Phillips case is the first child molestation case Mathews acted as lead detective, although he had assisted on about six prior to that.

The girl's mother questioned whether Mathews was experienced enough to handle the case, and asked if he would be reprimanded for the mistakes he made during the investigation. Dorsey said he would not discuss personnel issues.

Aside from describing Phillips' bedroom, the girl gave descriptions of other parts of his house and his body during her videotaped interview with Mathews. She also said Phillips gave her money and knew her age.

Hanson said her client maintains his innocence, and during her closing arguments, painted the girl as someone who had a crush on an older man, who, in an effort to deflect attention from herself, blamed Phillips because she was caught sneaking out of the house. Phillips did not take the stand in his own defense.

With the trial starting today, and a new jury to be selected, the girl's mother said she hopes "they really try to do better than what they did during the last trial. I hope they do their homework."

Flint Judicial Circuit District Attorney Tommy Floyd said the prosecution will present every piece of admissible evidence to the jury just as they did in the first trial.

"And for the child's sake, if no other, I hope they come to some sort of resolution," Floyd said. Floyd said he does not believe there was any effort or conspiracy to hinder the prosecution. Assistant District Attorney Sandie Rivers tried the case.