

Health Impact News

Medical Kidnapping Children in the United States: Montana

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Father Wrongly Convicted for Shaken Baby Syndrome Death of Son Set Free After 10 Years



Robert Wilkes. [Image source](#).

by [DILLON KATO](#)
[Independent Record](#)

Excerpts:

A District Court judge has overturned the 2009 homicide conviction of Robert Wilkes, marking yet another court victory for the Montana Innocence Project.

Wilkes' 3-month-old son, Gabriel, died in October 2008. More than a year later, Wilkes was convicted in the baby's death and sentenced to 40 years in prison.

The Montana Innocence Project began to look into his case in 2012, finding that Gabriel had no signs of abuse and that the prosecution relied on the theory of Shaken Baby Syndrome in Wilkes' case.

The Innocence Project gathered a series of medical experts from around the country to review the case. They determined a number of other likely causes of his death. Also, the medical examiner who performed the autopsy had listed the cause of death as "undetermined," something Wilkes' defense attorney did not present at trial.

The Montana Innocence Project's motion for a new trial for Wilkes was eventually appealed to the Montana Supreme Court, which sent it back down for further proceedings.

In an order issued Thursday, District Court Judge James Haynes of Ravalli County, who was brought in to oversee the Wilkes case, overturned the conviction. As part of his order the judge concluded that Wilkes' attorney at trial had been ineffective in his representation of his client.

"The Court concludes (Scott Spencer) failed to subject the prosecution's case to meaningful adversarial testing. ... Wilkes has shown his Sixth Amendment right to effective counsel was violated to such a degree as to jeopardize the fundamental fairness and integrity of his trial," the judge wrote.

"I have been waiting, hoping, and praying for this moment for many years," Wilkes said in a statement. "The Innocence

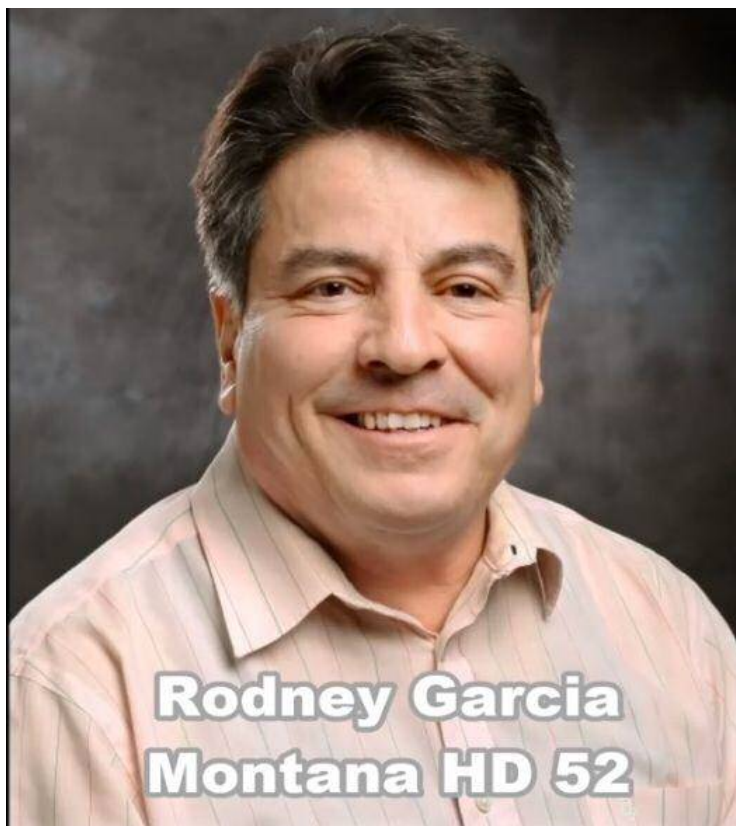
Project works tirelessly on behalf of people like me, who are wrongfully convicted. The project gives us hope. I am very grateful for their amazing and dedicated work.”

In a statement, Innocence Project attorney Toby Cook said the medical evidence they presented was “overwhelming.”

“While we have always believed in Dave’s innocence, he can never regain the 10 years he has lost,” Cook said.

Read the full article at [Independent Record](#)

Montana Legislator Calls for \$1K a Day Fines and Jail for CPS Workers who Kidnap Children



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[James White](#) of *Northwest Liberty News* out of Montana recently interviewed Representative Rodney Garcia, who has proposed legislation to punish CPS workers who break the

law and remove children from their homes needlessly.

Representative Garcia states:

Child Protective Services do not protect the kids, they kidnap them.

He goes on to explain that CPS workers need a court order to remove children from their home, but routinely do not have court orders, and he wants to start fining them and putting them in jail when they take children out of homes without court orders.

Listen to the full interview:

Video no longer available.

Prior to interviewing Representative Garcia, James White interviewed Debbie Westlake from Butte, Montana, as an example of the kind of corruption in child welfare services in Montana.

He writes:

In summary, Debbie had some medical issues and needed to be hospitalized for a couple weeks.

CPS took over and protected her son during her hospital stay. The visitation specialist who returned Debbie's son, Robert, made advances on Debbie of a sexual nature, which she rebuked and then reported.

The worker was subsequently arrested for 4 counts of incest

and was sentenced to 80 years in prison.

After another 5 hour hospital stay, CPS took Robert and he has not been home since.

Watch the entire interview:

Video no longer available.

[Source.](#)