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## CASEWORKER NOT GUILTY, JUDGE SAYS BAD JUDGMENT ISN'T CRIME, CONNOR RULES

*JOHN ALLARD, Staff Writer*

Frank Edson gripped his daughter's hand and smiled after a judge ruled Monday that he did not commit a crime by declining to investigate alleged sexual abuse of a Columbia boy who later died of AIDS.

Circuit Judge Carol Connor refused to allow a Richland County jury to consider obstruction of justice charges against the social worker, the first in South Carolina to be indicted on criminal charges in the investigation of suspected child abuse.

Judge Connor said Edson's decision not to pursue an investigation of the sexual abuse because of insufficient information was not a crime. She said only the S.C. Department of Social Services is accountable for child abuse investigations.

"It seems to me that you're trying to make bad judgment a crime, and I don't see how you can do that," Judge Connor told Assistant 15th Circuit Solicitor Julaan Prince after the first day of Edson's trial in Richland County. "There was no specific policy telling him (Edson) what to do."

Ms. Prince, who maintained Edson had to investigate the alleged sexual abuse, was unavailable for comment after the judge's ruling.

The 9-year-old Columbia boy who died from AIDS, Brett Hall, said he had been sexually abused in Horry County. He was the first child with AIDS referred to DSS for foster care.

"I'm glad that I got justice as far as the judge's decision," said Edson, 46, who was indicted in July on two counts each of obstruction of justice and failure to report child abuse. "I've been outraged and upset, the whole gamut of emotions.

"This is something I'll never for get," he said.

Since Brett's death, DSS has developed a policy of immediately investigating reports of sexual abuse involving children with AIDS.

Social service agencies are required by law to begin examining a suspected case of child abuse within 24 hours after it is reported. Authorities said Edson waited eight months after being told by Brett's foster mother that the child had been abused to begin his investigation.

Edson has said he did not have enough evidence to merit an investigation.

Prosecution witnesses testified Monday that Brett refused to discuss details of the sexual abuse with Edson or his doctor. He did not tell his foster mother the sexual abuse occurred in Horry County until days before his death Nov. 13, 1988.

The foster mother, Nafeesa Akbar, testified that Brett refused to discuss the sexual abuse with authorities. She also said he never told her when he was abused and by whom.

Ms. Akbar said prosecutors tried to destroy one of the only people who cared for Brett.

"Mr. Edson has suffered enough," Ms. Akbar said. "He's the greatest."

Pamela Bond, director of human services for Richland County DSS, testified there was no evidence Brett got AIDS through sexual abuse.

Edson's attorney, **Jack B. Swerling** of Columbia, said Brett's mother was an intravenous drug user who died in Baltimore after a drug overdose. Intravenous drug users are among those most at risk of acquiring AIDS and passing the deadly HIV virus on to others.

Edson said he will remain as volunteer services coordinator for Richland County DSS.

Fellow social workers who had feared there would be a guilty verdict in the case greeted Edson with thunderous applause after Judge Connor's decision. They said a conviction would have had a chilling effect on their work.

"I was afraid I would lose staff," Richland County DSS Director Shirley FitzRitson said.

**Swerling** said Edson often visited Brett after work and brought him his prescription medication.

"Frank Edson was the best friend Brett had in the world," **Swerling** said. "He gave this child some dignity at the end of his life."

