

The Seattle Times

Local News

[Low-graphic news index](#) | [Mobile site](#)

Thursday, March 21, 2013 - Page updated at 10:00 p.m.

City to pay \$215K for improperly questioning teen in tot's death

By Christine Clarridge
Seattle Times staff reporter

When she was 13, Ashley Howes was charged with killing a toddler she had been baby-sitting at a West Seattle home.

A judge ultimately dismissed the murder charge in 2005, ruling that Seattle police detectives violated Howes' Fifth Amendment rights by not advising her of her Miranda rights and not giving her a chance to have her parents present when she was questioned.

Although Howes is now 21, married and living in Port Townsend, the scars she bears from being detained, questioned and charged have not faded, says her attorney Lincoln Beauregard. "The damage they did by charging her and dragging her through this ruined her life," he said.

On Tuesday, the city of Seattle agreed to pay Howes \$215,000 to settle [a federal lawsuit](#) she filed in 2011 against the city and four of the detectives who questioned her during the homicide investigation.

The city and the police department did not comment on the settlement.

Even after the criminal charges were dropped, Howes was shunned and taunted for years by classmates, who called her a "baby killer," according to the lawsuit. She began to cut herself and attempted suicide at least seven times, including once when she attempted to slit her own throat, the lawsuit claims.

Howes, of Suquamish, Kitsap County, was a friend of the toddler's Port Townsend family and had accompanied them to Seattle as a mother's helper and baby-sitter for a three-day-holiday weekend in January 2005.

According to a police report, Howes was baby-sitting Freya Garden, 19 months, and her 5-year-old sister on Jan. 16, when the younger child collapsed around 5:30 p.m. Paramedics took the toddler to Harborview Medical Center, where she died the next morning.

Howes was at the hospital with the toddler's family when police learned that the toddler had injuries consistent with shaken-baby syndrome, according to court documents.

The teen was taken to the police department after being told that arrangements were being made to get her back to her home, according to the lawsuit naming the city of Seattle and Seattle police detectives Carl Chilo, Sharon Stevens, Paul Takemoto and Nathan Janes.

"It was at that point that the successive and coercive interrogations began," according to the lawsuit.

Over the next 19 hours, the teen was repeatedly questioned and asked how she had hurt the toddler. She was not advised of her Miranda rights or given a chance to talk to her parents even after her repeated requests, according to the lawsuit.

Howes was not told until she had been arrested that the toddler had died and that she was a suspect, court documents say.

"This is a 13-year-old girl who was kept isolated for a day and a half, interrogated up to 10 times by different people, told that she had killed the baby and ignored twice when she asked for her parents," her criminal-defense attorney, Bryan Hershman, said in 2005.

Howes was charged in juvenile court with second-degree murder. The case drew national attention and was featured on television's "48 Hours" and Court TV.

Prosecutors said in charging documents that Howes admitted to shaking the toddler "once" while giving her a bath and that detectives believed the toddler's head might have struck the hard edge of a soap holder.

An autopsy determined that Freya had brain damage, burst blood vessels and bruising caused by internal bleeding. In addition, other bruises were found on the child's head and face.

Hershman said at the time that Howes had only admitted to "wiggling" Freya and that the toddler's injuries could have been accidental or caused by a member of her family.

During a pretrial hearing in October 2005, King County Superior Court Judge Mary Roberts ruled that half of the statements Howes made to police [were inadmissible](#) because detectives had not told the teen she was a suspect, nor had they informed her of her rights or made sufficient effort to allow her parents to be present.

The case against Howes was dismissed the next day. No one has been convicted in the toddler's death.

Beauregard said his client did not want to talk about the settlement or the criminal case. "She wants the world to know she is innocent," he said. "She was painted as a baby killer and she is going to live with that scar for the rest of her life."

Christine Clarridge can be reached at cclarridge@seattletimes.com or 206-464-8983.

Information from Seattle Times archives is included in this report.

[E-mail this article](#) | [Print this article](#)

[Low-graphic news index](#)

[E-mail us](#)

[Search archive](#)

[RSS feeds](#)

[Graphic-enabled home page](#)

[Mobile site](#)

Copyright © 2010 The Seattle Times Company