

**OKLAHOMA COMMISSION ON CHILDREN AND YOUTH
OFFICE OF JUVENILE SYSTEM OVERSIGHT**

Report Release Date: April 11, 2012

**Review of the Death of Xavier J. Wiggington
of Johnston County, Oklahoma**

General Information

On March 16, 2012, the Office of Juvenile System Oversight (OJSO) received a request for a public report regarding the death of two-year-old Xavier Wiggington. Criminal Felony Child Neglect charges were filed in Johnston County District Court on September 27, 2010, against Ambrosia Buttram, Xavier's biological mother and her friend Brian Frazier.

The following is a summary of the actions taken by the Oklahoma Department of Human Services (OKDHS); the dates and outcome of investigations and actions taken by the OKDHS; the actions taken by the district attorney; the dates and summary of judicial proceedings; and the rulings of the court, as authorized by 10A O.S. Section 1-6-105 (below).

Authorization

Title 10A, Section 1-6-105, B, D, and E, of the Oklahoma Statutes, states:

B. When a person responsible for a child has been charged by information or indictment with committing a crime resulting in the death or near death of the child, there shall be a presumption that the best interest of the public is served by public disclosure of certain information concerning:

1. The circumstances of the investigation of the death or near death of the child; and
2. Any other investigations concerning that child, or other children while living in the same household.

D. 1. At any time subsequent to seven (7) days after the date the person responsible for the child has been criminally charged, the Oklahoma Commission on Children and Youth shall, upon request, release certain information to the public within sixty (60) days of the request as follows:

- a. a confirmation shall be provided by the Commission as to whether a report of suspected child abuse or neglect has been made concerning the alleged victim or other children while living in the same household and whether an investigation has begun,

b. confirmation shall be provided by the Commission as to whether previous reports of suspected child abuse or neglect have been made and the dates thereof, a summary of those previous reports, the dates and outcome of any investigations or actions taken by the Department [OKDHS] and the Commission in response to any previous report of child abuse or neglect, and the specific recommendation made to the district attorney and any subsequent action taken by the district attorney,

c. the dates of any judicial proceedings prior to the death or near death of the child,

d. recommendations submitted by the Department [OKDHS] and the Commission shall be provided in writing including recommendations made at the hearing as they relate to custody or placement of a child, and

e. the rulings of the court.

2. Specific recommendations made by the Commission described in any progress reports of a pending case submitted to the court may be disclosed by the Commission.

E. Any disclosure of information pursuant to this section shall not identify or provide an identifying description of any complainant or reporter of child abuse or neglect, and shall not identify the name of the child victim's siblings or other children living in the same household, the parent or other person responsible for the child, or any other member of the household, other than the person criminally charged.

Identifiers:

Child's Name: Xavier J. Wiggington

Date of Birth: November 14, 2007

Date of Death: August 7, 2010

Alleged Perpetrator: Ambrosia Buttram, biological mother
Brian Frazier

Sibling 1: three-year-old

Sibling 2: four-year-old

Sibling 3: five-year-old

The Oklahoma Commission on Children and Youth (OCCY) did not become aware of this case until after the death of Xavier Wiggington.

Case History

First Report to the OKDHS Alleging Abuse/Neglect (February 18, 2008)

The first report was received on February 18, 2008, by Johnston County OKDHS. It was reported that Sibling 1 was brought to the emergency room due to the ingestion of bleach. The report documented that the parents stated the child had pulled the cup of bleach off the counter.

The OKDHS accepted the report as a Priority I Investigation. The parents reported to the OKDHS that bleach was poured into the cup to take next door where the family was doing their laundry. The cup was placed on a table next to the television. It was reported the one-year-old child grabbed the cup to take a drink. The parents reported that the child did not drink the bleach but did spill it on himself. The child was reported to have poured the bleach on himself and some of it got into the child's eye. The parents reported having placed the child into the shower to wash the bleach off. The parents reported they did not notice any side effects of the bleach and reported the child did not complain or act as if there was a problem.

The following morning the child's eye was swollen and matted. The parents took the child to the emergency room. The mother reported having followed the doctor's instruction and took the child for a follow up visit with an eye doctor. The OKDHS documented that the mother was given ointment to put in the child's eye and from the appearance of the tube which was about half empty the mother had been applying the medication.

The OKDHS documented that the incident appeared to be accidental and that the parents took proper steps when the incident occurred. The OKDHS made an overall finding of Services Not Needed.

Second Report to the OKDHS Alleging Abuse/Neglect (August 7, 2010)

The second report was received by Johnston County OKDHS on August 7, 2010. It was reported that Xavier Wiggington had arrived at a medical facility and was unresponsive. The child was pronounced dead at 9:35 a.m. There were numerous bruises in various stages of healing on Xavier's head, groin, torso, arms, and legs. Ambrosia Buttram and Brian Frazier reported to medical personnel that the siblings, ages three, four, and five-years of age had been rough with Xavier which could have been the cause of the bruising. The caretakers, Brian Frazier and Ambrosia Buttram were unsure of what happened but made statements that Xavier had been ill the night before and collapsed this morning.

The OKDHS accepted the report as a Priority I Investigation. The OKDHS documented that the child's injuries were consistent with child abuse, and had caused his death according to the medical report. The OKDHS also documented that the timeline reported indicated the child was in Brian Frazier or Ambrosia Buttram's care. It was further documented that according to the mother's text messages that the mother was concerned for the child and was aware he needed to go to the emergency room, but failed to take him due to concerns that OKDHS would be called due to the bruises on Xavier's body.

Brian Frazier reported that Xavier had gotten sick on Thursday but had gotten "bad" on Friday. Brian Frazier also reported he inserted half an adult Phenergan suppository under the child's armpit because he was "whining about his stomach" but not crying a lot.

The parents gave several examples of how the three siblings caused the bruising on Xavier's body. These examples included one child who moved a coffee table causing Xavier to fall off of it; a sibling who struck Xavier in the head with a Tonka truck; and Xavier had fallen and hit his head in the bath tub.

The OKDHS made an overall finding of Substantiated with Court Intervention Recommended as to the three surviving siblings. Those children were placed in OKDHS custody. The OKDHS recommended termination of the parental rights of Ambrosia Buttram on September 3, 2010. The OKDHS developed an Individual Service Plan (ISP) for the biological father of the children with a permanency plan of reunification with their father.

Felony Conviction (September 21, 2011)

Ambrosia Buttram and Brian Frazier were convicted of Felony Child Neglect on September 21, 2011. Both were sentenced to ten years in prison on November 18, 2011.