

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

Report Release Date: February 2, 2012

**Review of the Death of Alexis Silvia Hawkins
of Oklahoma County, Oklahoma**

General Information

On October 30, 2011, the Office of Juvenile System Oversight (OJSO) received a request for a public report regarding the death of Alexis Silvia Hawkins. Alexis' mother, Victoria Phanthtaranth and her boyfriend, Freddy Mendez were charged with Felony First Degree Murder in Oklahoma County District Court on November 15, 2011.

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: Alexis Silvia Hawkins
Date of Birth: August 20, 2008
Date of Death: October 31, 2011

Alleged Perpetrator: Victoria Phanthtaranth, biological mother
Freddy Mendez, biological mother's boyfriend

Sibling 1: Seven-months-old

The Oklahoma Commission on Children and Youth did not become aware of this family until after the death of Alexis Hawkins.

Case History

Report 1 (October 27, 2009)

The Oklahoma County OKDHS received the first report in regard to this family on October 27, 2009. The allegation in the report was that on June 25, 2009, Victoria Phanthtarath held a pillow over one-year-old Alexis' face three different times when the

child was crying. According to the reporter it made it difficult for the child to breath. The caller was not sure if the child was safe or in danger at the time of the call.

OKDHS documented Victoria obtained a Victims Protective Order on this date to keep Alexis' father away from her. Reportedly, about three weeks prior, the child had scratches on her face and a nickel size bruise above one of her eyes.

The OKDHS accepted the report as a Priority I Investigation and initiated the investigation on October 27, 2009, with a failed attempt. The OKDHS documented several more failed attempts to initiate the investigation on October 28, 2009, October 29, 2009, October 30, 2009, and November 18, 2009. The child was located by the OKDHS on November 19, 2009. Those persons interviewed during the investigation included four persons responsible for Alexis' care, the biological parents, the mother's boyfriend, and a family friend whom the mother and boyfriend lived with at that time; three collaterals, two friends, one law enforcement officer, and visual observation of the alleged child victim.

The OKDHS documented that Victoria stated that during a domestic violence episode in June 2009, the biological father allegedly had hit her in the face and broke her nose. She reported there was blood everywhere and that baby Alexis started to cry. Victoria stated she picked up a pillow and put it to her own nose to stop some of the blood from flowing and then picked up the baby and held the child to one side of her face toward the pillow. Victoria reported that she was trying to comfort the baby and not trying to smother her.

The biological father admitted that he had lost his temper and hit his wife, but was not sure where he hit her. He did remember seeing the blood and saw Victoria hold the pillow to the baby's face. The father was arrested. The OKDHS substantiated the allegation of Domestic Violence and recommended parenting and counseling services. The father was court ordered to fifty-two weeks of domestic violence counseling through the civil court.

Report 2 (October 26, 2011)

The Oklahoma County OKDHS received the second report in regard to this family on October 26, 2011. The report alleged that Victoria was abusing Alexis. Reportedly, Victoria was stressed and was taking it out on the child. The reporter also stated that Victoria had no friends or relatives close to her at that time.

The OKDHS accepted the report as a Priority I Investigation. The OKDHS documented having made a failed face to face attempt to initiate contact with the child victim at 10:35 p.m. on October 26, 2011, at a relative's home. A second failed attempt was documented as occurring on October 27, 2011, at 2:45 p.m. at that same relative's home.

The OKDHS was unable to initiate contact with Alexis in response to this report and the Investigation was closed on December 20, 2011, with a documented finding of Unable to Locate.

Report 3 (October 30, 2011)

The Oklahoma County OKDHS received the third report of child abuse or neglect in regard to this family on October 30, 2011. The report documented that Alexis had bruises over every part of her body, a subdural hematoma, brain swelling, and a large skull fracture. Alexis was not expected to survive her injuries. The mother's explanation was that while Alexis was eating breakfast she choked. The mother stated she tried to give the child CPR and did get some of the food out. The mother's boyfriend, Freddy Mendez reported that Alexis fell down the stairs on Wednesday, October 26, 2011.

The report documented that law enforcement would be removing Alexis' seven-month-old sibling from a relative's home and placing the child in the custody of the OKDHS.

The OKDHS accepted the report as a Priority I Investigation on October 30, 2011. Those persons interviewed during the investigation included Alexis' mother, her biological father, seventeen collaterals which included eight medical professionals, five relatives, three law enforcement officers, and one OKDHS worker. The OKDHS also documented visual observations of Alexis and her younger sibling. Alexis was pronounced deceased on October 31, 2011, at 11:30 a.m.

The OKDHS documented that Alexis had a massive skull fracture from the top to the bottom back part of her skull, a subdural hematoma, cerebral edema, bilateral retinal hemorrhaging, bruising on her face, back, legs, arms, neck, groin, and buttocks. Medical professionals were also documented as reporting Alexis' injuries were not accidental. Another medical professional reported that Alexis was malnourished, and her hair was falling out.

The OKDHS documented that the mother's boyfriend, Freddy Mendez admitted to having beaten Alexis the morning of October 30, 2011, with a sandal for not eating. He also admitted to having choked Alexis and "slamming her down." The mother, Victoria Phanhtarath admitted to becoming frustrated with the child and pushing Alexis into a wooden crib in her bedroom after her boyfriend, Mr. Mendez told her to "handle" the child's behavior. Victoria was documented to have admitted that Alexis hit her head on the metal part of the crib, became sick, and stopped breathing.

The OKDHS documented that a collateral witness reported that Victoria had previously admitted to having slapped Alexis in the face. The collateral witness also admitted having observed Alexis with makeup on to cover the bruise on the child's face.

The OKDHS documented an overall finding of Substantiated with Court Intervention Requested. The OKDHS also requested that the petition be filed as heinous and shocking due to the nature of the injuries and allegations.

Criminal Charges Filed (November 15, 2011)

In the District Court in and for Oklahoma County, Oklahoma, on November 15, 2011, the charges of First Degree Murder, Child Abuse and Enabling Child Abuse were filed

against both Victoria Phanhtharath, and Freddy Mendez. The Court denied bail for both Victoria and Freddy on November 16, 2011.

Medical Examiner's Report (December 2, 2011)

The Medical Examiner's Report was signed on December 2, 2011. The Probable Cause of Death was documented to be Head Trauma, Blunt Force. The Manner of Death was documented as Homicide.

The report documented multiple contusions of the child's chest with contusion (left ribs #5 through #7) at the anterior axillar line. The report further documented multiple cutaneous contusions on her right hip, left arm including the shoulder, right arm and forearm, knees, left thigh, feet, right lower back with brown scabs in the petechial contusions, left upper back, small contusion of left thumb, right 5th finger, right buttock. The Medical Examiner's Report also found acute pulmonary congestion with edema, early pneumonia, and two pieces of hot dog lodged in the pharyngeal region, a healing fracture of the left 9th rib at the junction of the spine, and acute retinal hemorrhages, bilateral.

The report also noted multiple linear and rounded scars over the right arm, right lower leg, right ankle, back of left leg, and left knee.

In the Medical Examiner's comment it was also noted that there was the presence of hemosiderin pigment in the back of the scalp, in the region of the fracture that could have been that of repeated, acute and recent injuries of the head.

Individualized Service Plan (November 21, 2011)

The OKDHS documented in the Individualized Service Plan on November 21, 2011, as to the mother, Victoria Phanthtaranth, that a petition had been filed to terminate the her parental rights and that a treatment plan for the mother would not be offered by OKDHS.

The OKDHS also documented in the same Individualized Service Plan that a petition had also been filed to terminate the parental rights of Freddy Mendez, the father of the seven month old sibling and that a treatment plan would not be offered by the OKDHS.

Pre-Adjudication Court Report and Individualized Service Plan (January 9, 2012)

The Pre-Adjudication Court Report and Individualized Service Plan was presented to the Court on January 9, 2012. The OKDHS recommended that the parental right of Victoria Phanthtaranth, the biological father Freddy Menendez, and the legal father of the seven month old sibling be terminated The Permanency Plan documented by the OKDHS was adoption for the surviving sibling.

The OKDHS documented that Victoria Phanthtaranth remained married to Alexis' father, and therefore he became the legal father of the sibling at birth.