Caretaker convicted in Rilya’s court case

Contributed by CURT ANDERSON
Thursday, 31 January 2013

MIAMI (AP)-- A former caretaker was convicted Friday of child abuse and kidnapping in a 4-year-old foster child’s disappearance more than a decade ago but a mistrial was declared on a murder charge after jurors were narrowly unable to agree.

The 12-person jury said early they were split 11-1 on whether 67-year-old Geralyn Graham killed Rilya Wilson and could not persuade the holdout over two days of deliberations. The murder charge carried a potential life sentence, while the charges on which Graham was convicted carry potential sentences of at least 30 years behind bars.

Assistant State Attorney Joshua Weintraub said the state would not try Graham a second time for first-degree murder. Graham has long maintained her

innocence. Weintraub said the other convictions would likely keep Graham locked up for life even without the murder conviction.

“The fact that they didn’t come back on a murder charge doesn’t mean that justice was not done for Rilya Wilson,” Weintraub told reporters afterward.

Circuit Judge Marisa Tinkler Mendez set sentencing for Feb. 12. Graham’s attorneys said they planned an appeal and praised the lone juror who held out.

Rilya vanished in late 2000 from Graham’s home but her disappearance was not discovered for 15 months.

That lapse led to high-level resignations at the state Department of Children and Families and passage of child welfare

reform laws.

Rilya’s body has never been found.

Prosecutors relied heavily on testimony by jailhouse informants who said Graham confessed to them behind bars.

The state’s star witness, career criminal Robin Lunceford, testified that Graham told her she believed Rilya was evil and possessed by demons, so Graham smothered the girl with a pillow and buried her near a body of water. Graham met Lunceford in jail while awaiting trial on fraud charges.

Authorities long suspected Graham in Rilya’s disappearance but didn’t charge her until 2005. The case languished because of extended legal wrangling and because Lunceford backed out of testifying before finally relenting after negotiating a plea deal that cut her life sentence to 10 years.

The girl’s disappearance led to resignations at DCF, including several high-level positions, when it was discovered that a caseworker was falsifying reports about the girl’s well-being and that supervisors took little action. The case also led to a new missing child tracking system in Florida, approval of a privatized system of child casework and tougher laws against falsifying child welfare reports.

A caseworker who failed to check up on Rilya in person during all those months eventually pleaded guilty to official misconduct charges for falsifying time sheets.

Several Graham acquaintances testified that they saw evidence Rilya was abused. Graham’s unrelated live-in lover, Pamela Graham, said the girl was tied to her bed at night with plastic handcuffs and that they got a dog cage to keep her in as punishment for misbehavior.

Prosecutors said Geralyn Graham could not tolerate Rilya’s defiant behavior.

“This child’s life was taken from her at the hands of a vicious defendant who acted viciously, who acted with hatred, who acted with evil intent. She had to put it out of its misery,” Weintraub said in closing arguments.

Graham did not testify in her defense. She told investigators and even national television programs that Rilya was taken from her home by an unknown DCF worker for mental tests and never returned but no evidence emerged during the trial to support that story.

To friends who asked about the girl’s whereabouts, Graham told various stories about trips to Disney World, New York and New Jersey. Again, detectives could find no proof of those trips.

Defense attorneys asked jurors to focus on the lack of a body, suggesting that Rilya might still be alive and might have been sold to another family.

“If they had focused more on that aspect of the investigation, we wouldn’t be here today,” Graham attorney Michael Matters said in closing arguments.

Rilya and two siblings were given up for adoption by the mother, a habitual crack addict. Her name is an acronym for “remember I love you always.”

Graham has a checkered past, including a history of convictions for fraud. Authorities said she has used 47 different aliases and had 10 different driver’s licenses when she was arrested.

Weintraub has said Graham forged documents falsely claiming she was Rilya’s grandmother in order to collect state benefits -- even after police believed the girl was dead.