

# County attorney reviews case as initial investigation concludes in death of baby left in hot car

Written by [Kimberly Scott](#) on August 14, 2014 in [News](#) - [86 Comments](#)



**HURRICANE** – Intense attention has been focused on the death of 11-month-old Skyah Suwyn, [who was left in a hot car](#) in Hurricane Aug. 1, a day that saw temperatures approaching 100 degrees. So far, no one has been arrested and no charges have been filed in the case. However, the initial investigation by the Hurricane City Police Department has officially concluded, and Washington County Attorney Brock Belnap confirmed Thursday afternoon:

We have received the investigative reports from the Hurricane Police Department and are reviewing them carefully to determine what is in the interest of justice.

Skyah had been left in her car seat inside the vehicle for “a substantial period of time” before being discovered at 1 p.m., Hurricane Police Sgt. Brandon Buell said in an Aug. 1 statement. Road work forced Skyah’s mother, April Suwyn, to park down the street from her home, [the Deseret News reported](#). April Suwyn then rushed inside to use the restroom and forgot that 11-month-old Skyah was still in the back seat. Skyah, who reportedly often slept while her mother worked, wasn’t discovered until April Suwyn went to pick her sons up from the babysitter.

“In her mind, she had laid Skyah down for a nap,” the child’s aunt, Aimee Wright, told the Deseret News. “That was her normal routine before she would start doing nails.”

Skyah is at least the 20th child to have died unattended in a hot vehicle so far this year in the United States, according to [KidsAndCars.org](#). The incidents when children survive, thanks to intervention by authorities or alert passersby, don’t get as much attention but are very common. However, no one formally keeps track of nonfatal cases.

## The law

Throughout the United States, criminal charges have been filed in 49 percent of child vehicular heat stroke death cases since 1998, according to [KidsAndCars.org](#), the same organization that lists Skyah’s death as the 20th this year. In those cases that have been decided, 81 percent resulted in convictions or guilty pleas and half brought jail sentences – with the median sentence being two years. Of 220 cases in which a child was unknowingly left in a car, about half led to charges and at least 62 resulted in convictions.

Currently, [20 states, including Utah, have laws](#) specifically addressing leaving a child unattended in a vehicle. In hopes of deterring parents from making that sometimes fatal decision, Utah [Criminal Code Section 76-10-2202](#),

subtitled “Leaving a child unattended in a motor vehicle,” was enacted during the state’s General Session 2011. The new statute gave law enforcement options for cases involving children left alone in cars. In a debate over [the bill](#) that gave rise to the criminal statute, Sen. Ben McAdams said the bill would add needed clarity to the law that leaving a child unattended in a motor vehicle under circumstances that constitute risk is behavior that needs to be punished, but is not child abuse.

Instead of issuing charges of child abuse or neglect, deemed far more serious in nature, the newer statute gives authorities the ability to cite parents with a class C misdemeanor, at least on the first offense.

To criminally charge April Suwyn, prosecutors would have to prove she committed a reckless act rather than one resulting from inattention or mistaken judgment.

Often, reaction when stories like these emerge is disbelief that parents or guardians could be so inattentive. But sometimes it’s not that simple.

## A horrible mistake

In July, the Santa Clara County District Attorney’s Office in California announced it would not charge a California man who accidentally left his 9-month-old son in the back seat of his car all day, deeming the April 16 hot car death a tragic mistake by an otherwise conscientious father.

In that instance, the mother normally took the two older children to school and dropped the baby off at a babysitter three days a week, [according to NBC](#), but on the day his son died, the father, going on only four hours of sleep, forgot about a change in his family’s routine.

The father took his older children to school and then drove off toward his work, where he dropped off his personal car to pick up his employer’s truck and forgot that the baby was sleeping in a car seat in the back. The child was not discovered until his father realized the mistake after his workday ended and he returned to the car that evening.

“Like most parents, I know how fatigue can sometimes rob us of common sense and good judgment,” District Attorney Jeff Rosen said in a statement in July. “While we have prosecuted child endangerment cases in the past, this tragedy does not rise to the level of recklessness that both the law and justice require.”

### **A felony mistake**

A Florida man who ran inside his house to grab a cellphone charger left his 2-year-old daughter inside a hot car for hours after he allegedly fell asleep in the home, [the Sarasota Herald-Tribune reported](#). The man was charged with felony aggravated manslaughter in connection with the death.

“He mistakenly left the child in the car,” Sgt. Tom Shanafelt told reporters at a news conference. “This is an extremely tragic, unfortunate event that no parent should ever have to deal with.”

### **The court of public opinion**

While April Suwyn awaits her fate, thousands of people have taken to social media to express their opinions on the matter – some in utter outrage that charges have yet to be filed and others offering heartfelt sympathy to the Suwyn family.



Screen shot of a GoFundMe page set up for the Suwyn family where friends, family and strangers have donated over \$16,000 and left heartfelt messages of support, Aug. 7, 2014

Within eight days of Skyah’s death, more than \$17,000 was collected for the Suwyn family from more than 330 donors on a [GoFundMe fundraising page](#). Supporters have also started selling vinyl car stickers designed to serve as a reminder to “Always check for baby.”

“Because of the tragic accident that has hit our Hurricane Community over this past weekend,” a [Facebook post read](#), “ALL proceeds from now until Aug. 16 will go toward the family that lost their baby.”

As friends, family and strangers show their support for the Suwyn family, many others are outraged, going as far as creating a Facebook page called “Charge April Suwyn for Killing her baby daughter,” which had only eight likes by Thursday evening and was eventually deleted.



Screen shot of Facebook page taken Aug. 5, 2014

“April Suwyn murdered her baby daughter in Hurricane, Utah by leaving her hot car,” the Facebook page read. “Now her family is raising money and profiting off her baby’s death!”

“It was an accident,” Wright told Deseret News. “If people who are being negative could even see how hard she is on herself. If they could see that she keeps saying, ‘If only. If only. If only. I wouldn’t have been out of my routine that day. If only I had gone to the gym.’ She blames it all on herself.”

### **Resources**

- [Statistics and charts specific to child vehicular heat stroke](#)
- [Ways to keep children safe in and around vehicles](#)

### **Related posts**

- [Baby dies after being left inside vehicle in high temperatures](#)
- [Did you forget something? Don't make this deadly summertime mistake](#)
- [Drowning, leading cause of death in children under 5; what you should know](#)

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