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Judge: \$5M to sex abuse victim

Former caregiver in prison for rape, sodomy of mentally retarded man

By Don Fletcher
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An Autauga County Circuit Court judge recently awarded \$5 million in damages to a mentally retarded Prattville man who was raped and sodomized in his home three years ago by a former mental health employee who is now a state prison inmate.

Circuit Clerk Whit Moncrief indicated that the award could be the largest ever issued in Autauga County.

"If it's not the highest, it has to rank among the highest," said Moncrief, a native and lifelong resident of the county. "It's certainly the highest I've seen in my seven years in office, and I don't recall ever hearing about a judgment that large before I came into office."

Judge Sibley Reynolds awarded compensatory and punitive damages to the victim's guardian, who filed suit on behalf of the abused man against Phillip Hamilton, who also lived in Prattville when the crime was committed.

Hamilton, now 43, entered a guilty plea in 2006 to a charge of first-degree sexual abuse and is currently serving a five-year prison sentence at Limestone Correctional Facility near Huntsville.

The victim was a former client of the J.S. Tarwater Center in Wetumpka, but had begun receiving home care after the center was closed in 2004. The convicted sex offender had worked only a few weeks as a nursing assistant with Autauga-Elmore Mental Retardation Inc. when reports of the sexual abuse surfaced.

The victim's family previously agreed to a settlement in its case against the mental health organization. Terms of that settlement have not been disclosed.

Randall Houston, district attorney for the 19th Judicial Circuit, said the relationship between Hamilton and his victim added an element that pushed the case beyond the bounds of the average sexual abuse case.

"This was an especially disturbing case because Mr. Hamilton was a caregiver for the victim, and this victim could not defend himself," Houston said. "He and his family trusted Hamilton. Any time a person abuses their trust in a case such as this, it's disturbing."

According to court documents, the judgment entered against Hamilton included \$1 million in compensatory damages for pain, suffering and mental anguish. The remainder of the award, \$4 million, is intended to punish the offender and to "deter him and others ... from such

wrongdoing in the future."

According to an order issued by Reynolds May 23, his decision was based upon "the particularly heinous and shocking nature" of the actions committed against the plaintiff. The judge ruled that, under guidelines set forth by the Alabama Supreme Court and the U.S. Supreme Court, Hamilton's conduct provided justification for the monetary award.

"The actions of Defendant Hamilton were certainly depraved and repugnant and fully deserving of society's moral outrage," Reynolds wrote. "In addition, given that the Defendant's conduct here was willful, he stands in a high degree of culpability and should bear the full force of society's moral condemnation."

Birmingham attorney Thomas E. "Tommy" James, who represented the plaintiff in the civil action, agreed that the award was an appropriate one.

"The amount of the judge's award in this case is certainly appropriate, based on the reprehensible nature of Mr. Hamilton's conduct," James said. "The judge was very sympathetic to what my client went through, and is still going through, as a result of the abuse. Judge Reynolds sent a clear message that this will not be tolerated in our society."

The attorney said he hoped that the ruling would serve as the judge intended, as an effective deterrent to others who might consider the commission of similar acts against individuals for whom they provide care.

"What happened to my client is unspeakable and should have never happened," he said. "Hopefully, this judgment will bring awareness to the issue of abuse and neglect of the mentally retarded and help to prevent this from happening again."

Sheriff Herbie Johnson said neither the judge's civil award nor the five-year prison sentence were strong enough punishments for actions such as those admitted to by Hamilton.

"A person like that needs to be on death row, expedited toward a lethal injection," the sheriff said. "People like him don't deserve to be in a prison population; they don't deserve to breathe good air."

James said he would make every effort to collect the money awarded to his client, including the placing of liens against any property Hamilton owns or may own in the future, and filing garnishments against any wages Hamilton might receive after he completes his prison sentence.

"We are going to make every attempt to collect whatever we can from him," he said.
