

Kyra Wine case prompts legislation

By Mary Truman

Published: Tuesday, February 2, 2010 5:00 PM PST

Legislation prompted by a local child abuse case will get a hearing today (Wednesday).

Sen. Joyce Broadsword sponsored the bill, which would allow judges to impose a longer sentence in cases where the defendant is charged with felony injury to a child, if the judge feels the crime requires a stronger penalty.

"I'm hopeful that they will understand that not all circumstances are the same and the penalty is not strong or long enough for all cases," she said. "I feel that the punishment should fit the crime. That's very important to me and to the children to know that whoever hurt them will have to pay for it."

In March last year, Charles W. Smith was sentenced to 10 years for the abuse he inflicted upon three-year-old Kyra Wine of St. Maries the year before. Mr. Smith cared for Kyra and her five-year-old sister, for their mother, his girlfriend, Christina Haynes. She was also sentenced to five to 10 years in prison for the abuse.

The injuries Kyra suffered required doctors to amputate most of her feet, a finger and to remove a kidney. They never discovered the cause of the dead flesh found on her hands, feet and scalp.

Deputies found her almost comatose, dehydrated, malnourished and covered in scabs when they visited the home to check on her and her sister, after a warning from neighbors of possible abuse.

First District Judge Fred Gibler said the sentence could be considered lenient. Mr. Smith, could not be charged with anything but felony injury to a child because he never admitted what he'd done to cause the child's injuries. The most the judge could do is give the maximum sentence for the charge.

Currently the maximum allowable sentence for felony injury to a child in the state is 10 years in prison. The bill Sen. Broadsword had proposed would push the maximum to 20 years. She and other supporters of this bill, including the Idaho Prosecuting Attorneys Association, feel that the change will bring this part of the law into line with penalties for similar crimes.

"There's an animal cruelty bill that's being considered right now where the maximum penalty is 14 years," Sen. Broadsword said. "Animals are important but not more important than a child. A man can get up to 14 years for abandoning his wife and children and that's not doing them any physical harm. I feel that the penalty for this particular penalty is behind the times."

Benewah County Prosecutor Doug Payne will testify at the hearing.