

State v. Morton

On a hot day in June 1999, Kathleen Morton drove eight children to a shopping center. Morton was the foster parent of seven of the children, including the victim, T. (age 3 weeks), who was asleep in a car seat behind the driver's seat. R. (age 3) had become ill, and Morton was cleaning him as the others departed for the store. After tending to R., Morton closed the automobile and made her way to the store, leaving T. behind.

Approximately thirty minutes later, Nadine Young observed T. in the locked van while she was proceeding through the parking lot to enter the store. Young attempted to open the van but found that its doors were locked.

Young observed that the child was perspiring so profusely that perspiration had pooled in her eye sockets. She also noted that T. breathing was labored. Young called 911 and police officers responded. In about five minutes, the officers opened the van's locked doors, and Young retrieved the child from her car seat. Young found that the heat in the van was stifling. Young removed T's. perspiration-soaked clothing.

Shortly thereafter, Morton returned to the van. The Court found that even though the child was not hurt, the temperature of the car created a substantial risk to the health of the child.

(State v. Morton, 138 Ohio App.3d 309, 741 N.E.2d 202, 2001-Ohio-230, (App. 1 Dist. 2000))