

Read excerpts from new book on convicted SC child killer

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An image of a broken tree limb and a dangling baby's cradle illustrate the cover of an in-depth look at a criminal case in the 1990s that ripped back the blanket covering South Carolina's failed child care regulation system as well as the state's shortcomings on how child deaths were investigated and prosecuted.

More than 20 years in the making, the book "In Good Hands – Investigating Death, Mystery, and the Lessons of Broken Trust in One Family Day Care" tells the tale of Irmo day care operator Gail Cutro, in whose home two infants died and one was seriously hurt during an eight-month period in 1993.

Following are Chapters 1 and 2 from the book written by David Hechler.

Chapter 1: The Day Care

Missy Daniel had just arrived to pick up her daughter from day care in Irmo, South Carolina, when she saw the ambulance in her rear-view mirror. She hated ambulances. She'd hated them for as long as she could remember. They made her nervous – the same way fire engines did. Like her mother, who checked her front door fifteen times to make sure it was locked before leaving the house, Missy was an inveterate worrier. She had no doubt that her little girl would follow suit.

But the ambulance rolled past the house from which Missy was about to fetch four-month-old Ashlan and continued down the block. Its pace was leisurely, Missy noted, as she breathed a little sigh of relief and parked the car.

An attractive woman with blue eyes and blonde hair, the twenty-seven-year-old mother let her mind drift as she walked toward the house. There was still plenty of time to go shopping. It was only 2:40 – that was the beauty of her job. She worked only two hours a day, four days a week. All she did was answer the phones while her mother took a long lunch break from work. Missy didn't earn a whole lot more than she paid for day care, but she wasn't doing it primarily for the money. The new mother was doing it just to get out of the house and have some semblance of a normal life, if only for 8 hours a week.

Earlier on that day she would never forget, September 9, 1993, before dropping off her daughter at noon, Missy had taken Ashlan to the photography studio for her first portrait. The baby had looked adorable – fat cheeks glowing – but Missy had gone through a half-dozen outfits before she'd finally found one that still fit. The child ate like a horse; it was definitely time to go shopping.

Missy was abruptly shaken from her musings when a large man suddenly emerged from the house. It was Josh Cutro, who shared child care duties with his wife, Gail Cutro. Even if Missy hadn't been the nervous type, she would have known from his pained expression that something was wrong. Josh began waving his arm, but Missy quickly realized he wasn't waving at her. He was looking past her, up the road.

Missy froze. "Is it Ashlan?" she asked, feeling a tightness in her throat. The ambulance had doubled back and was parking when he answered.

"Yeah."

Missy waited for the rest: Ashlan fell ... she cut herself ... she's unconscious. But there was only silence.

Josh began sobbing as he turned back toward the house. When Missy hurried to follow, he stopped her in her tracks.

"Don't come in here!" he barked before disappearing into the house. She stood there in shock for several moments, then she remembered the ambulance. Where were the paramedics? What were they doing?

She turned and watched in horror as they slowly removed equipment. What was taking so long? "Hurry!" she shrieked. "Get in there!" At last they walked past her

into the house, and she collapsed on the lawn. A short time later Josh came back out. “There was nothing we could do,” he said.

Within minutes Missy’s mother arrived from work to embrace her hysterical child. When she understood that her daughter hadn’t actually seen Ashlan, Sissy Rangely raced into the house, brushing aside resistance at the door. No force on earth was going to keep her from her first grandchild.

After she had confirmed the worst, Sissy Rangely took her daughter to her own house across the street. It was from there, the house in which Missy had endured her own sometimes turbulent childhood, that she had to call her husband, Davis. A secretary at South Carolina Electric and Gas, where he worked, paged him.

“Ashlan’s dead! Ashlan’s dead!” Missy screamed again and again.

“Where are you at?” Davis demanded. She told him and he dropped the phone, as if a surge of high voltage had just spiked through it. “Something’s wrong with the baby,” he told his boss, refusing to say – or believe – more. He found the colleague who had driven him to work.

Slumped in the passenger seat of the Ford van, the thirty-eight-year-old electrician tried not to think. The strength had left his powerful six-foot-five-inch frame, and the “Pancho Villa” moustache beneath his curly brown hair emphasized his downturned features. A man of few words under ordinary circumstances, he was silent during most of the half-hour trip. Inside he felt numb.

For Davis and Missy Daniel, the hours that followed were a blur. At some point they were aware that a group of people had arrived to comfort Josh and Gail Cutro. From across the street, the Daniels could see fifteen or twenty people surrounding the couple in their yard, commiserating. Then a group of them, including the Cutros, drifted over to pay Davis and Missy a visit.

Someone began talking about sudden infant death syndrome. They all seemed convinced that SIDS was the cause of Ashlan’s death, and they wanted to help the Daniels work through their pain. A woman who introduced herself as Eve Powell, Gail’s therapist, told Missy, “I want you to get on medication.” She gave Missy a number to call for the tranquilizers, and suggested that Missy make an appointment to see her.

Later, Gail Cutro approached the couple. “This should never have happened to me again,” Gail told them, “since it already happened to me once. I’m sorry.”

To the Daniels, it was all unreal. How could the child who was almost never out of their sight, who had only been in day care eight hours a week for eight weeks, who had been quite literally the picture of health at the photographer’s studio that very morning ... now be dead? It wasn’t possible. Yet, these people – these strangers – insisted not only that it was, but that they knew the cause.

Who were these people with all the answers? And why were they consoling the Cutros when the Daniels were the ones who had lost a baby?

The Daniels didn’t say any of this. They were in shock, barely capable of speaking. It would take time for them to sort out the thoughts and feelings that coursed through them that day. But simmering beneath their confusion and despair, even then, was anger.

They were angry with themselves. They felt almost unbearable guilt that they had failed to protect what was most precious in their lives. And they were angry with the Cutros. How could they have let this happen?

Chapter 2: Paths that Cross Will Cross Again

As Patsy Habben willed her body out of bed and into the shower, she was glad that she’d packed the car the night before. It was 5:30 a.m., September 9, 1993, and at least she didn’t have to lug out those big boxes.

All the materials South Carolina’s forty-six coroners would need were neatly stacked in the three boxes that occupied the back seat of her gray Chevy Caprice. That was the only place they would fit. The trunk was stuffed with the supplies she always took with her: medical equipment, a floodlight, a saw and ax, rain gear, and emergency food and water in case she was assigned hurricane or tornado duty. For undercover work she carried Band-Aids to hide the prominent mole on her right cheek and several caps under which she could conceal her bright blonde hair. Her Remington .870 pump-action 12-gauge shotgun rested beside a large supply of ammunition. A Smith & Wesson .38 revolver was stashed in the glove compartment.

After her shower, Habben made coffee for her husband, Ken, and fed her eleven-year-old daughter and sixteen-month-old son. Her son’s sitter lived just down the

block. Once she arrived, Patsy and Ken squeezed into the front seat of Patsy's car with their daughter, and then dropped the child off at Grace Christian School.

Patsy and Ken Habben were both lieutenants at the South Carolina Law Enforcement Division. That was the somewhat odd name for the state police – a name that seemed designed solely to allow everyone to call it by its acronym, SLED. Patsy, who was thirty-nine, had worked with Ken in SLED's forensics lab for fifteen years, the last thirteen as his wife. Ken, who was forty-four, was head of toxicology while Patsy had been, until recently, in charge of the serology and DNA labs.

But three months earlier she'd begun a new assignment. A law had been passed mandating that SLED supervise the investigation of all sudden and unexpected deaths of children under eighteen. It was a progressive law in keeping with South Carolina's leading role in this field. (At the time, few states in the country undertook thorough, comprehensive child death investigations; and none had been focused on this issue longer, or had a better system in place, than South Carolina.) SLED administrators had responded to the state's new law by creating the Child Fatalities Department, which Patsy Habben had been asked to direct.

The task had proved even more daunting than she'd imagined. She'd done some research and couldn't find any states that had departments like it, so it wasn't simply a matter of collecting a few training manuals and putting together one of her own. It was more like inventing a discipline from whole cloth. And then teaching it not only to the three investigators who reported to her, but to the agencies around the state with which they had to work: from local police and sheriff's departments to pathologists and county coroners.

That was where the boxes in the back seat came in. Patsy Habben was on her way to the annual coroners' conference, where she would introduce herself and her agents to the coroners from the state's forty-six counties. It would be her department's first public appearance. She would distribute the three boxes of protocols she had just finished writing, and explain that the new law required the coroners to fill out and return the forms each time a child died in their jurisdictions.

As head of toxicology, Ken was also going to the conference. Instead of driving the 10 miles to SLED headquarters, on the outskirts of Columbia, they would

drive 110 miles to Charleston. Ken was at the wheel, and Patsy hadn't been this relaxed since she'd started the new job.

About 100 people attended the conference, including the coroners and assorted professionals who worked with them. Dressed in a conservative suit that concealed the Glock automatic strapped to her waist, Patsy Habben introduced her three investigators. Then she told the coroners what the new law required, and why they were crucial to its success.

She had a strong background in science, but she wasn't there to show it off. South Carolina didn't require its coroners to have medical training. At the time, in fact, they didn't even need a high school diploma. Some had prepared with years of training, a few were doctors, and about a third were funeral directors. Patsy Habben's protocol was designed to reach them all: simple, direct, no fancy medical terms. The point was to help them record information at death scenes, not perform emergency brain surgery.

When the conference broke for lunch, Ken and Patsy went to a café downstairs. Before they could order, a woman Patsy recognized from the conference asked to join them. Linda Bass was a nurse who specialized in bereavement support – particularly for parents whose children had died of SIDS. She worked at Lexington Medical Center, not far from where the Habbens lived. Bass was a perky woman of forty-three with a round face, clear blue eyes, and closely-cropped brown hair flecked with silver. Until Habben's presentation, she'd never heard of the new child fatality law. Now that she had, she could barely contain her excitement.

Linda Bass felt that the law could be tremendously valuable in the diagnosis of SIDS cases. As she often had occasion to explain, sudden infant death syndrome was one of the great medical mysteries. Although it was only named in the 1960s, it was described as far back as the Old Testament. But modern medicine had learned little about its cause. In fact, the only way coroners could arrive at the diagnosis was by eliminating all other possibilities. They were justified in listing SIDS as the cause of death only when an apparently healthy child between one month and one year of age died suddenly and unexpectedly, and an autopsy, a medical history, and a thorough investigation revealed no other explanation. In

1993, it was the leading cause of death of babies under one, claiming around 6,000 victims a year in the United States alone.

But, as Bass knew, sometimes cases were called SIDS before all possibilities had been explored. In poor rural counties, where money for autopsies was scarce and pathologists qualified to perform them sometimes scarcer, a coroner might label a death SIDS without an autopsy. And local police did not relish questioning parents or delving into a child's medical history, so sometimes cases were not thoroughly investigated. Bass hoped that the new law would change all that.

She poured out her enthusiasm for the new Child Fatalities Department. She would do everything in her power to assist them. In turn, she hoped that Habben and her colleagues would tell parents of apparent SIDS victims about the services Bass offered. She ran the only support group for SIDS parents in the state. She also ran the only group for child-care providers who had experienced SIDS deaths. Glancing at her watch, Bass thanked Habben for listening and hurried back to the conference.

Patsy Habben was impressed. The woman seemed genuine in her desire to help, and she was certainly enthusiastic. The Child Fatalities Department needed all the friends it could get. Habben knew, even then, they would have little trouble making enemies.

Since Ken had driven on the trip out, Patsy took the wheel for the drive home. She hadn't been driving an hour when her pager beeped. It was SLED, and it was a "code one," which meant call immediately. She called headquarters, and that was how she learned that a baby had just died in a day care.

Habben directed the investigation while she drove. First she spoke with Irmo's police chief, who had just returned from the scene. He described the day care. The dead baby was four months old and was one of nine children under care. The day care owner's husband had attempted CPR, but when the emergency medical technicians took over, the child was dead. The chief had called the Richland County coroner's office, only to learn that the coroner couldn't go to the scene because he was at the conference that Habben had just left. His assistant said he couldn't go either. Two Irmo police officers were in the home now; what did Habben want them to do?

Patsy Habben fired off instructions. Take photographs of the residence. Collect the bedding on which the child had slept, the last bottle it had taken, and the trash. Secure them as evidence and drop them at SLED. She wanted the names, dates of birth, and Social Security numbers of the day care owner and all workers, and the name and date of birth of the baby. She also wanted an account of all activities at the day care that day, and a detailed statement from the last person who had seen the baby alive.

A few minutes later Patsy Habben was on the phone with one of the officers. The dead little girl was Ashlan Daniel, age four-and-a-half months. The day care was located at 1101 Chadford Road, and the Daniel baby was apparently the second child to die there. The officers had collected everything. There'd been only one hitch; the husband had insisted on speaking to his lawyer before relinquishing the trash. But in the end he did.

Habben had been scribbling notes in her Day-Timer. Once she reached home, there were more beeps and calls and hastily scratched notes. And there was dinner to cook, and a bath to give, and bedtime stories to read. So much for her "easy day."

Still, it hadn't been one of her harder days. Her new job was proving plenty challenging. This case sounded like routine SIDS. Except for one thing. That night, just before she went to sleep, something gnawed at the edge of her consciousness. The Irmo officer had said this was the second death at the day care.