

Jury awards \$3 million to West Bloomfield couple falsely accused of sexual abuse of autistic daughter



Oakland County Prosecutor David Gorcyca, answers media questions about a fight at the Palace of Auburn Hills. The Pistons were playing the Indiana Pacers when a fight erupted between Pacers players and fans. Undated photo.

By Ronelle Grier, Special to The Oakland Press

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A jury has awarded \$3 million to “Tali” Thal and Julian Wendrow of West Bloomfield in a lawsuit against three former Oakland County prosecutors for defamation and violation of their civil rights when the parents were falsely accused of sexually abusing their autistic and non-verbal daughter, Aislinn, in 2007.

The verdict included \$1 million for defamatory remarks made by former prosecutor David Gorcyca and \$2 million against former chief assistant prosecutor Deborah Carley, for illegal “seizure” of Ian Wendrow, who was 13 when he was removed from his classroom and questioned without the presence of a guardian or attorney.

The [family was separated for three months](#) before the charges against the Wendrows, which included various felony counts of child sexual abuse, were dropped. Julian spent 80 days in jail, Tali was placed on a tether, and the two children were housed in institutional foster care facilities.

“We’re very pleased (with the verdict),” said the Wendrows’ attorney Deborah Gordon. “We feel the family has been vindicated by the jury, who represents the community.”

EARLIER: WITNESS REFUTES DEPUTY PROSECUTOR’S TESTIMONY

In a passionate closing argument Wednesday, Nov. 5, Gordon said the prosecutors showed “reckless indifference” by pursuing the charges and by making false statements to the media impugning the family even after the case was dropped. She asked the jury of six men and eight women to award damages of \$5 million each to Julian, Tali, and Aislinn and \$8 million to Ian Wendrow, who still suffers from anger and other significant issues as a result of the experience.

“They”ll (the prosecutors) throw a 13-year-old child under the bus for a notch on their belt,” said Gordon.

EARLIER: JUDGE SAYS PROSECUTORS MUST STAND TRIAL

The supposed accusations were made by Aislinn at school using a controversial and widely discredited technique known as facilitated communication (FC), which requires an aide to guide the arm of the user. Major professional associations, such as the American Psychological Association, have discredited the method, saying the output is unreliable and often fictitious. This premise was proven during a courtroom demonstration where Aislinn was unable to answer simple questions, such as whether she is a boy or a girl, when the facilitator was out of earshot.

FAMILY FILES LAWSUIT

The defendants, which included former assistant prosecutor Andrea Dean in addition to Gorcyca and Carley, testified they believed the allegations were true and refused to acknowledge that FC was a fallacious means of communication.

“I still believe something untoward happened in that house,” Gorcyca said, who was sued for remarks he made to the media in 2009 after he left the prosecutor’s office.

Defense attorney Steve Potter said his clients acted in good faith when they pursued the charges.

“They believed Aislinn,” he told the jury during closing arguments. “That’s their crime. They believed the victim.”

The month long trial was held in the Ann Arbor courtroom of Federal Judge John Corbett O’Meara.

Previous lawsuits filed by the Wendrows against the West Bloomfield Police Department, the Walled Lake Consolidated School District, and the Michigan Department of Human Services (DHS), resulted in out-of-court settlements of \$1.8 million, \$1.1 million, and \$850,000, respectively.

Gordon said the Wendrows are also entitled to attorney fees and court costs, as well as interest on the award dating back to 2008.

“This vindication was necessary for our family to be able to move on” said Tali, “and it was important for me to show my children to stand up when you’ve been wronged.”