



# Associated Baptist Press

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## Minister, father, fights to prove wife's innocence of child abuse

By Barbara Denman

COCOA, Fla. (ABP) -- John Barber gingerly guides the brush through his daughter's fine golden hair. He adds a whiff of hairspray to hold wayward strands and clips on a big red bow. Two-year-old Rebecca is ready for the day.

Looking up with deep brown eyes, the toddler says in the simple, honest manner of a child, "My mommy doesn't live with us."

It's moments like these that break his heart, says the father of two girls, Rebecca and Brooke, 5.

"I can do anything I need to do to take care of my girls," he said in an interview. "It is just that their mommy should be here to read them a bedtime story, color with them, bake with them. They are being robbed of so many things they will never get back."

Barber, a Baptist minister, has been Rebecca's sole caregiver since she was five weeks old. That's when her mother, a worker at a church day-care center, went to a Florida prison for child abuse, a crime she and her husband insist she didn't commit.

Thirty-six-year-old Ann Barber was sentenced in January 1999 to nine years in prison after being convicted of aggravated child abuse of an infant boy.

The baby was one of two children briefly under Ann's care who were diagnosed near the same time with injuries resulting from shaken-baby syndrome. Defense attorneys claimed it was a coincidence. Investigators, however, said it is virtually impossible that two children could suffer such similar injuries while in one person's care without her being involved. They prosecuted the child-abuse charges aggressively, winning a felony conviction and a lengthy prison term.

"In Brevard County, we take severe inflicted injuries to children very seriously," said Meryl Allawas, chief of the sex-crimes and child-abuse unit for the state's attorney office. "We feel the evidence was clear and overwhelming in establishing Ann Barber as the person who inflicted these grievous injuries.

"The jury agreed and found her guilty as charged, and the appellate court has agreed by upholding that conviction. We intend to continue to pursue justice in the remaining case."

But John Barber, minister of music, children and senior adults at First Baptist Church of Cocoa, Fla., has spent the past three and a half years trying to win her release.

"Ann is innocent," he said. "My wife was convicted on coincidence, not on evidence. There were no eyewitnesses to any abuse -- ever."

Despite medical evidence that the children were injured before they were in her care, Ann Barber is in prison for a crime she and her husband -- and almost every person who knows her -- vigorously assert she is incapable of committing.

"Do I think the person who was arrested was capable of this? No," said her pastor, William Marr, after the arrest. "Do I think she is guilty? No."

Barber's husband has criticized the way the case was handled. Among his accusations:

-- Police officers testified incorrectly from memory rather than with the benefit of notes or a recording.

-- A presiding retired judge often asked lawyers to explain what had occurred.

-- Investigators never considered other suspects, including the children's parents, even though studies indicate that parents are behind at least 75 percent of such cases.

-- And in a key turn, a doctor changed his testimony about when the alleged abuse occurred, contradicting his own medical records.

This has left the Barbers, seeming model citizens, extremely jaded about the legal system.

"I was brought up to believe in the police and the justice system," John Barber said. "I have no faith in them anymore."

He reports similar feelings for the Florida Department of Children and Families, which twice attempted to remove Rebecca and Brooke from the Barbers' custody.

"If I for one minute thought Ann was guilty of what they accused her of, I love my daughters and I would not want them with her," he explained. "But I have been married to Ann for 12 years. Without a doubt, I know that Ann is innocent. I know that Ann would never hurt anyone, especially not a baby."

Every Saturday since Ann has been incarcerated, John and the girls have visited her in prison, first in Ocala and now in Florida City. The eight-hour round trip enables them to spend six hours together, time usually spent with the girls sitting on their mother's lap while she reads to them.

Two or three times a week, John said, Brooke cries for her mother. She asks, "Why can't she come home?" he said. "How do you explain to a 5-year old why mommy can't come home?"

The family's nightmare began in February 1998 when police first questioned Ann for three hours. The inquiry came after physicians said a two-month old girl and three-month old boy were victims of child abuse. Ann had cared for both children at the church's day care.

After a preliminary interview, even before Ann was charged, the Department of Children and Families took Brooke, at the time the couple's only daughter, into protective custody. The Barbers went to court to have her returned. The family would later discover Ann was pregnant with their second daughter.

Ann was arrested in April, charged with nine counts, including aggravated child abuse.

Still, the Barbers felt relieved upon reviewing the state's evidence against her, John said. The attending physician, Dr. John Tilelli at the Arnold Palmer Hospital for Children and Women, had written in the medical records that injuries to both infants occurred before they arrived at the church-run day-care center. The girl's injuries were believed to have been 10-12 weeks old, according to the medical report. The boy's injuries were six weeks old, the report concluded.

The only evidence connecting the two cases was circumstantial: both children had similar injuries and were in Ann's care for two weeks.

Ann Barber first went to trial in September on charges of abusing the infant girl. On the stand, however, Dr. Tilelli, who had examined both the girl and boy, changed his original opinion, testifying that the girl was hurt during the time she was under Ann's care.

Ann took the witness stand in her own defense, testifying for nearly eight hours. The jury deliberated for two days without reaching a verdict, resulting in a mistrial.

Two weeks later, Ann, by then seven months pregnant, stood trial again on charges stemming from abuse of the infant boy. Unlike the first trial, however, prosecutors were allowed to introduce the other child's injuries as evidence and compare the two cases.

The physician again testified that his original medical diagnosis was wrong. This time, the victim's mother also testified, apparently contradicting earlier statements about who was caring for the child before the injuries were found.

Still, the burden of proof was on the state. Believing that prosecutors had not met that burden, Ann's attorney advised her not to take the stand. In fact, the defense rested without calling any witnesses.

Defense attorney Gregory Eisenmenger pointed in his closing argument to inconsistencies in testimony. Prosecutors, meanwhile, focused on similarities between the two cases. A day later, the jury returned a guilty verdict.

Despite receiving more than 300 letters from Ann's supporters asking for leniency, Judge Martin Budnick Jr. sentenced her to nine years in prison and five years probation. In January 1999, five weeks after Rebecca's birth, Ann began serving time.

The Barbers have appealed the verdict to the Florida Supreme Court. If that fails, they plan to hire new lawyers and seek a new trial. Ann still could stand trial, meanwhile, on charges still pending after the mistrial.

In the meantime, John said his wife of 12 years is "sitting in prison for something she didn't do." She will be eligible for supervised release in 2007.

He talks to her by phone for 10 minutes every day, costing the family about \$350 a month in phone bills. And the family travels the eight-hour round trip every weekend to see her. "If we are going to keep our family together, that daily contact and that weekly contact is a must," John said.

Despite the heartache the family has experienced during the ordeal, John says he sees God's hand on their lives. Parents, family and church members have stood resolutely behind them.

"We still know that God is seeing us through," he said. "And although our lives have been tormented beyond belief over the past three years, God has continued to be faithful and loving. We praise God for giving us our faith, our family and friends, and the determination to fight on."

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## **Ann Barber's friends, family rally together in her support**

By Barbara Denman

COCOA, Fla. (ABP) -- Florida Baptist minister of music John Barber spends his days juggling church responsibilities, raising two young daughters alone and fighting to win his wife's freedom.

Ann Barber, a 36-year-old worker at her church's day care, is imprisoned at the Dade Correctional Institute in Florida City for abuse of an infant under her care diagnosed with shaken-baby syndrome.

Her husband and many friends believe she was wrongfully convicted. None believes she is capable of such a crime. Still, they are left with some doubts.

Should she have testified in her own defense? Should lawyers have called medical experts to refute a key prosecution witness? Should she have accepted a plea bargain?

In 1998, two infants enrolled at the day care of First Baptist Church of Cocoa, Fla., were identified as victims of child abuse. As the day-care worker in the room with the children, Ann Barber was prosecuted in both cases, one ending in a mistrial and the second in a conviction and nine-year prison sentence.

At the trial where she was found guilty, Barber, at the time seven months pregnant, did not take the stand. The defense rested without calling a single witness.

Attorney Gregory Eisenmenger stands by his decision not to have her testify. "She was extremely pregnant and very stressed throughout the trial," he said. She had had problems during pregnancy, and he was concerned about her emotional and physical well being during cross-examination. The jury already had her sworn documents, he added. "Basically everything had been told."

Eisenmenger said the factor leading to her conviction was the state being allowed to introduce the injuries of both children at trial, a move he called "improper" and "prejudicial."

Generally speaking, illegal acts alleged in one case are not admissible as evidence in another. Florida law, however, permits prior acts to be introduced if they show a pattern or that the crimes are uniquely similar.

Barber's lawyer appealed the conviction, claiming that the trial judge erred by allowing the jury to hear about the other case. The 5th District Court of Appeals upheld the conviction. Eisenmenger then appealed to Florida's Supreme Court.

In interviews after the trial, the jurors indicated they were inclined to acquit her until they heard about the second case.

A physician who examined both children wrote in an original report that they suffered injuries prior to entering Barber's care. Under oath at trial, however, he reversed that opinion, saying injuries to both occurred during the two weeks they were in the church's day care.

After Barber's conviction, Eisenmenger hired a firm to review all medical records related to both cases.

"We had asked our attorneys about this before we ever went to trial," John Barber said. "However, our attorneys believed with the medical diagnosis as it was, showing previous injuries, there was no need for other experts. They never expected the trauma doctor to change his diagnosis on the witness stand."

Eisenmenger said doctors were consulted prior to the trial but not called to testify.

Five doctors hired to review the records independently agreed that both children had injuries that were at least a month old. Some injuries were sustained two or three months before, the doctors reported.

This was consistent with conclusions the first doctor originally placed in the medical records, John noted.

"I am absolutely convinced of her innocence," said Eisenmenger. The lawyer said he doesn't fault the state for vigorously prosecuting child abuse. "But you don't prevent child abuse by convicting an innocent person," he said.

Ann still faces charges in the case of the infant girl. She was offered a plea bargain that wouldn't add any prison time. She would have to serve the remainder of her sentence, two years of house arrest and 10 years' probation.

While that would return her home in six years, Ann told the court she would not plead guilty to something she didn't do. "She had fought this fight for three years, and would continue to fight this as long as she had to," said John.

A new judge in the pending case ruled that the jury could not hear about the other infant's injuries because there is insufficient evidence to link the two.

Prosecutors, however, got that decision overturned on appeal. The trial is delayed while the Barbers ask the state Supreme Court to reinstate the trial judge's ruling.

Barber's supporters continue to claim her innocence.

Harold Brantley, director of missions for the Brevard Baptist Association, was present during most of the court proceedings. "I am astounded that she was convicted," he said. "According to our system of law, a conviction had to be beyond reasonable doubt. There was doubt throughout the trial."

Her family and friends in Alabama meet weekly to pray for her, plan strategy and raise money for legal fees. They have established a fund to raise \$50,000 to fight the conviction.

Legal expenses have been a huge drain on John Barber's finances.

Their pastor, Bill Marr, cannot comment on the case because the families of the two children have sued the church, which owned and operated the day care. But he emphasized that the congregation, staff and deacons have supported the Barbers throughout the entire ordeal, raising \$12,000 for Ann's legal expenses.

The church has accommodated weekly trips by John and his daughters to visit Ann, prayed for them, helped care for the children and expressed their love in a variety of ways. "We have done what you read about in the Bible to provide Christian care and support," Marr said.

This spring, a group of Florida Baptist Singing Women visited Ann in prison. "She was more of an encouragement to us than we were to her," said Dee Dee Kenner of Jacksonville. "Her walk with God in a pretty depressing place and situation amazes and challenges me."

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-- EDITOR'S NOTE: A fund has been established by the family and friends of Ann Barber to fight to overturn her conviction. Contributions may be sent to:

Ann Barber Special Fund  
C/O Mr. Sam McCulley  
272 Oscar Patterson Road  
Meridianville, AL 35759

## **Two-adult rule reduces risk for children and workers**

By Barbara Denman

COCOA, Fla. (ABP) -- Childcare providers call it the "two-adult rule." Simply put, two adults should always be present during any church activity involving children and teens.

Pastor Bill Marr believes it would have saved his congregation in Cocoa, Fla., thousands of dollars in legal fees. John Barber believes it would have prevented his wife from going to prison for a crime they contend she did not commit.

The two-adult rule is printed in all publications published by Lifeway Christian Resources of the Southern Baptist Convention. It is taught in training sessions sponsored by the Florida Baptist Convention, as well.

Russ Hughes, associate in the state convention's Sunday-school department, offers three reasons for the two-adult rule:

- Safety. In case a worker is required to leave the room, such as with a sick child or an accident.
- Security. To be sure that children are protected from any outside dangers, like an intruder, or hazard, such as fire or disaster.
- Mutual support. "Backstopping each other particularly at the point of being able to say it didn't happen," said Hughes.

The book "Reducing the Risk of Child Sexual Abuse in Your Church" also advocates the two-adult rule, stating that it "reduces the risk of sexual molestation and also reduces the risk of false accusations of molestations by individuals seeking a quick legal settlement."

The two-adult rule is now a policy at First Baptist Church of Cocoa, Fla., said Pastor Bill Marr. But for his church, it came too late.

On Feb. 19, 1999, police questioned Ann Barber about why two infants under her care at the church's daycare were both victims of shaken-baby syndrome. Believing it was more than a coincidence, the State of Florida prosecuted her vigorously. She was convicted of aggravated child abuse and now serves a nine-year sentence at the Dade Correctional Institution in Florida City.

John Barber believes his wife would have never been a suspect if another worker had been present in her room. No other evidence was provided by the state.

"Tell our churches to protect their workers, one adult in a room is not enough," Barber advises. "Otherwise, you're asking for trouble."

Just weeks before the incident, the church had considered purchasing video cameras for each of the rooms, but an expenditure of \$5,000 seemed too costly at the time.

"What a difference that would have made in our case. We could have proved her innocence," said Barber, minister of music and senior adults.

After Ann Barber was convicted, the parents of the two children sued the church, only to have the church's insurance company deny coverage. Marr has been forced to hire lawyers to defend the church and to sue the insurance company for coverage.

The situation has drained energy from the congregation, said Marr. "And money we have had to collect for legal fees should be used for God's work instead of paying lawyers."

Hughes goes one step further, saying that it is best if the two adults are not related --such as husband and wife -- because usually when one is absent, both are absent and workers must be found to replace both.

A second reason, he said is: "Should there be an accusation of abuse, the testimony of one partner would be suspect. Also, a spouse cannot be forced to testify against a mate."

Hughes also recommends that every room have a window to allow anyone to observe at any time. "This can be a sense of security for the adults inside -- they know that there are others who are checking ... just in case."

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## **Churches to adopt 'partnering' model, CBF leader predicts**

By Jim Newton

RIDGELAND, Miss. (ABP) -- Partnerships with various entities, rather than primary affiliation with a denomination, will characterize Baptist churches in the future, the leader of a breakaway missionary-sending group predicts.

In the 20th century, Baptists in America relied primarily on a "denominational model" to help autonomous churches pool resources for common goals, said Daniel Vestal, coordinator of the Cooperative Baptist Fellowship, a 10-year-old Southern Baptist Convention breakaway group based in Atlanta.

In a future that many describe as "post denominational," however, Baptists will move to "a totally different model for cooperation," Vestal forecasted at a recent "town-hall" meeting at a Mississippi church.

Speaking at Highland Colony Baptist Church in Ridgeland, Miss., a fast-growing church near Jackson, Vestal outlined the CBF's "partnering/networking" missions approach that he said he believes "is the future for Baptists in North America."

To fulfill its mission, the local church needs to create partnering relationships, Vestal said. "You can't carry out the Great Commission [Christ's command in Matthew to evangelize the world] alone. To fulfill your mission, you need to develop strategic partnerships with other Christian groups."

For example, he said a church might partner not only with its state convention and the Southern Baptist Convention, but also with national and the state CBF organizations, a para-church group, a missionary agency and even a community organization.

Some partners might criticize the church for working with others whose theology doesn't match theirs, he warned. "But whose business is it?" Vestal asked. Choosing its own strategic partners, he said, "is the local church's business."

Vestal said the world won't be won to Christ by predominantly white, Anglo-Saxon, male Baptist missionaries. "It is going to be led to Christ when local churches discern the mission of God and discover their participation in the mission of God," he said. "You don't delegate the missionary enterprise to the denomination. You accept responsibility and partner with open hearts with others."

Vestal said churches should transcend a narrow perspective as Baptists from North America and start thinking of themselves as one part of Christ's "body" around the world. "When you start thinking that way, you discover there are incredible resources in the body of Christ," he said.

"The missionary enterprise is a grand and glorious enterprise, much bigger than our own denominational program," Vestal said. There are more than 250,000 missionaries worldwide representing 18,000 different Christian groups, he said. "It is important for us to see God at work in this world, and then discover what part God wants us to play in it."

The 1,800-church Fellowship formed in 1991 over a variety of differences with conservative leaders of the Southern Baptist Convention.

Asked to explain the differences between the two, Vestal said CBF is not a convention of churches or a denomination but "a fellowship of both individuals and churches."

Vestal said the SBC created the Cooperative Program unified budget in 1925 to help churches pool their financial resources to support all denominational efforts. In the process, he observed, the Cooperative Program also created a "significant bureaucracy" with a billion-dollar operation.

While he once wrote a book about the Cooperative Program and led churches that were among the SBC's top 10 contributors, Vestal said that the Cooperative Program created not just a financial connection but also a programmatic "connectionalism" that eventually compromised autonomy of the local church.

"The SBC produced programs, ministries, expectations, handed them down to state conventions and associations, and they handed them down to the church," Vestal said. "Though we said each one of these Baptist organizations was autonomous and free, what happened over a period of years was that really we developed a pyramid structure."

Vestal said the SBC is fundamentally different today than it was two decades ago. He said the SBC has become increasingly "creedal" by forcing employees to sign the 2000 "Baptist Faith and Message" statement; has adopted a "control mentality" with "forced conformity," and has changed the role of women with no tolerance for women as pastors and other forms of ministry.

Another significant difference, he said, is the way CBF does missions. "We do not make a distinction between home and foreign missions; we talk about global missions," he said. Instead of appointing missionaries to specific countries, CBF sends its 140 missionaries to work in partnership with other Christians across geographic borders with the 20 most neglected or unreached people groups in the world who have little access to the gospel.

Neither does CBF own or operate institutions. Instead, it partners with 11 theological seminaries and divinity schools owned and operated by others. Vestal said there are other differences that he didn't have time to discuss.

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## **God's glory should be the focus, Stroope tells Baptist retreat**

By Ken Camp

CEDAR HILL, Texas (ABP) -- "Crossing salt water" doesn't make a missionary, according to a veteran missions worker, but a consuming passion for God.

"We are to be witnesses of the glory of God. And once we have witnessed it, we cannot get over it," said Mike Stroope, a featured speaker at an annual spiritual retreat sponsored Labor Day weekend by Texas Baptist Men.

"God is not all that serious about missions," said Stroope, associate professor of missions at Baylor University's Truett Theological Seminary. "He is serious about the honor and glory of his name. He is not all that serious about church. He is serious about worship. He is serious about the earth being full of his glory."

Stroope confessed he originally became a Southern Baptist foreign missionary because of the needs of lost people and a desire to repay a debt to God.

"When you begin with need, you end with need," Stroope said he discovered. "When you begin with debt, you end with debt. But when you begin with love, you end with love."

Stroope said both individuals and denominations should examine their reasons for service. "Many times we are in this for us," he observed.

But God will not honor the work of selfish efforts, he said. Denominational turmoil among Baptists, he added, grows out of pride.

"We will not know peace, power or purpose until we bow before him," Stroope said.

"As long as we assert our names, our agendas, he will steer clear of us," Stroope said. "He sends us to go and die to our names, our agendas, our world systems, that we might come alive in him."

Other speakers at the four-day retreat included Don Miller of Bible-Based Ministries in Fort Worth, Randy Sprinkle from the Southern Baptist Convention International Mission Board, and Greg Frizzle from the Baptist General Convention of Oklahoma.

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## **Death of homeless man affects Baptist church**

By Ken Camp

FORT WORTH, Texas (ABP) -- A homeless man killed by a train in Fort Worth, Texas, was initially unidentified. His remains were unclaimed, and he was buried without ceremony.

But at a local church, he wasn't forgotten.

About 100 people gathered Sept. 1 at Handley Baptist Church for a memorial service for the man most knew only as "Danny." Pastor Andy Addis welcomed what he termed "an eclectic gathering" of church members, neighborhood merchants and homeless people from a local shelter.

"God has many treasures in earthen vessels, and they are all around you," Don Anderson, founder of a local homeless ministry, told worshippers. "Each is special. We need each other. No one is expendable."

A train struck and killed Danny Lee Matchett, a 36-year-old drifter from California, July 24. He was walking along tracks near the Handley Feed Store, where he had slept most nights for the last eight months. Radio headphones prevented him from hearing the whistle of the approaching train.

Since he carried no identification, authorities were at first uncertain who he was. Anderson, founder of the One Lighthouse ministry in Fort Worth, identified Matchett and started looking for his family.

Leads pointed to four older siblings -- twin sisters and two brothers -- but they couldn't be found. Anderson said Matchett had told him his mother died of cancer 15 years ago, and his father disappeared about 20 years ago.

With no family around, Anderson's ministry and Handley Baptist Church planned to handle his burial. But Matchett slipped through the cracks one more time. His body inadvertently was turned over to a funeral home, and he was buried.

"We don't know where Danny's family is," Addis said at the memorial service. "There's no body here today. We wish we could end the story differently. There are so many things that we wish were different."

"But there's a great gift that Danny left behind," he continued. "There's a gift in our awareness. He has awakened our church to the fact that there is a world of need outside these stained-glass walls."

Matchett stumbled into the Baptist church's fellowship when it sponsored an outdoor block party in early June.

"He obviously was not like the rest of the people who were there," Addis recalled. "He was dirty, and he was carrying everything he owned on his back."

More than a dozen church members began a friendship with Matchett at that event, offering him hot dogs, soft drinks and kindness.

In the weeks that followed, he began to frequent the church. During the week, he would stop by to use the restroom. On Sundays, he slipped quietly into the worship services, sat near the back of the sanctuary, and left just before the benediction.

"He never asked for money, food or a place to stay," Addis said. "Whenever we'd do an outreach event, he was one of the last to leave. He'd stay to help put up tables and chairs. He just wanted somebody to be nice to him."

At the memorial service, Anderson described Matchett as "bright and articulate at times." Though some people saw only a glaring, grizzled recluse, the homeless man had three years of architectural-drafting training and was gifted at landscaping.

Matchett was "a private person who liked his time alone," Anderson said. "He was in his element on the streets."

He wrestled with mental illness and substance abuse, but he demonstrated a genuine sensitivity to spiritual matters. "Danny knew the Lord," Anderson said. "He loved Bible study. And he loved to go to church services."

"Danny was homeless in that he didn't have a house to live in, but he found a home in this community," he said.

Homeless people sometimes find shelter in an abandoned building across the street from the church, but Addis said members of the church will no longer look at them in the same way.

"Instead of seeing a nuisance in an abandoned building, we see others like Danny. They all have his face now," he said.

"We thank God for Danny. He woke us up to part of the Great Commission that we needed to see. Some parts of the ends of the earth are closer to home than we ever imagined."

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