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Mom Acquitted of Abducting Child

By Nancy Isles Nation

A mother accused of abducting her child was acquitted by a Marin jury Wednesday in a case that was closely watched by family-law court critics.

Jonea Rogers, 46, hugged jurors – some of whom were wiping away tears – outside the courtroom, thanking them for understanding her motivations for leaving Marin with her 3-year-old daughter in August 2000.

“It was a difficult decision, and I think we all took our jobs very seriously,” said Yolanda Wilson, the jury forewoman as jurors mingled with the defense team after they were released.

Juror Natalie Nagel said the panel of seven women and five men had a hard time believing testimony by Rogers’ former husband, Ian Stone, because he contradicted himself.

“And just his demeanor,” Nagel said. “We were determined from the beginning to come to a conclusion, and we’re glad we did.”

The case was among those followed by critics who believed Marin Superior Court family-law judges were biased in favor of well-known attorneys with whom they had close ties. Critics cited the Rogers case, and others, in which they believed women were treated unfairly by a court that favored well-financed men.

In court proceedings in Marin Superior Court, prosecutor Andres Perez argued that Rogers had maliciously deprived Stone of his rights as a legal custodian of their daughter, Hannah, when she failed to show up when she was due to exchange the child on Aug. 1, 2000. Stone later learned that Rogers left the country with Hannah and intended to keep her for good.

Perez said Rogers spent months planning her move, selling her house the previous June and vacating her business.

Defense attorney Peter Goodman said his client acted without malice and, in fact, left with Hannah to protect her. Goodman said Rogers believed the girl was being abused in Stone’s Forest Knolls home and had tried to get help from the county’s Child Support Services. She sought intervention from the court, but Stone was allowed to continue sharing custody of the child.

Goodman said his client believed that social services and law enforcement had failed her.

He said the jury seemed to understand what was going on in Rogers' mind at the time she left with Hannah.

"The verdict is really the conscience of the community validating her concerns," Goodman said.

He said he believes witnesses he called, including a psychologist and a family-law expert, helped persuade the jury that Rogers was in a desperate state of mind.

"They knew her, believed her and felt her concerns were legitimate," Goodman said. "The jury realized that."

Attorney Barbara Kauffman, who is representing Rogers in an ongoing custody case with Stone, called the jury's verdict a landmark.

"These kinds of cases are happening across the country and few ever make it to the court," Kauffman said. "The mothers lose their children trying to protect them."

Kauffman said she hopes the criminal case against Rogers will have an affect on the family law case.

"One hopes the family law court will let in the evidence (that) Judge (Terrence) Boren let in," Kauffman said. "Thus far, family court has not allowed any evidence of abuse or neglect – it makes me hopeful that Judge Boren conducted this trial in such an even-handed manner."

Rogers last saw her daughter in early July in a court-ordered supervised visit.

The regular visits have become more difficult to arrange since Stone was given permission by the court to move with Hannah to Hawaii about a year ago.

"We want her to come back to Marin," Rogers said. "We just hope the family court will start listening to protective parents."

Prosecutors called the verdict the "jury's prerogative." Stone was unavailable for comment.

Rogers said she hopes to settle the custody matter and live in peace with Hannah.

"I hope to God that the family court brings her home," Rogers said. "One day she's going to know – she will grow up having that strength – she'll know that moms don't give up."

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