



DEPARTMENT OF JUSTICE
Crime Victim and Survivor Services Division

October 1, 2024

Qadira Stephens
[REDACTED]

Claim Number: CV 02808-24
Victim: Qadira Stephens
DA/Police File #: 08-80238
Date of Crime: 04/12/2007

Dear Ms. Stephens,

After careful consideration, the Department has determined that the statutory eligibility requirements for compensation have not been met. Please find enclosed the decision denying your request for Crime Victims' Compensation.

If you disagree with the decision, you may ask that your request be considered again. Please state the facts with which you disagree. This is your opportunity to present any other evidence that would further substantiate your request for compensation. Your request must be in writing and mailed **within 90 days of this order** to the Oregon Department of Justice, Crime Victims' Compensation Program, 1162 Court Street NE, Salem, Oregon 97301-4096. The Department will notify you of its decision by issuing an Order on Reconsideration within 30 days of the receipt of the request.

Si tiene preguntas sobre esta carta llame al (503) 378-5348 o llame gratis (800) 503-7983.

Sincerely,

Jentry Guevara
DOJ Claims Examiner

Enclosure

**BEFORE THE DEPARTMENT OF JUSTICE, STATE OF OREGON
CRIME VICTIMS' COMPENSATION PROGRAM**

**In the Matter of the Application
For Compensation Eligibility of**

Qadira Stephens, Claimant

**DETERMINATION ORDER
and NOTICE**

Claim Number: CV 02808-24

HISTORY

Qadira Stephens has filed an application with the Oregon Department of Justice, Crime Victims' Compensation Program (CVCP) seeking crime victim compensation as a result of an alleged criminal incident that took place on 04/12/2007. The burden to establish eligibility rests with the claimant. A claim review has been undertaken to determine whether all statutory eligibility criteria have been met.

The following documents were reviewed: the CVCP application submitted for Qadira Stephens, official investigative report prepared by Portland Police Bureau, case number 08-80238, and chart notes from Providence St Vincent Medical Center, dated April 12, 2007.

FINDINGS OF FACT

- On August 5, 2024, Qadira Stephens filed an application with the Oregon Crime Victims' Compensation Program regarding an allegation of sexual assault that may have occurred on April 12, 2007.
- Law enforcement's investigation determined the following:
 - Qadira was at her friend Sophia Burkholder's house.
 - They decided to take a bath.
 - They wanted the water to be hotter, so they asked Sophia's mother, Aimee McQuiston to add boiling water to the tub.
 - As Ms. McQuiston was pouring the boiling water into the tub, Qadira slipped into the stream of water and was severely burned on her legs.
 - Qadira was then taken to the hospital.
- Medical records indicate the following:
 - Qadira was at a friend's house when the friend's mom heated water in a tea kettle and accidentally spilt it on her leg.
 - Qadira's parents adamantly deny any possibility of abuse.
 - Qadira was given pain medication, cream, and a dressing was placed over the burns.
- No charges have been filed against Ms. McQuiston in relation to this incident.
- There is no indication of a possible sexual assault in the records received from law enforcement or the hospital.

CONCLUSIONS

The Department concludes that Qadira Stephens was not the victim of a compensable crime. According to information received by this Department, Ms. Stephens' injuries were the result of an unfortunate accident. The Department concludes the eligibility criteria have not been met and the request for compensation is denied. Compensable crime and victim are defined below in ORS 147.005 and 147.015.

APPLICABLE LAW

ORS 147.005 Definitions. As used in ORS and 147.005 to 147.367 unless the context requires otherwise:

(1) "Applicant" means:

- (a) Any victim of a compensable crime who applies to the Department of Justice for compensation under ORS 147.005 to 147.367;
- (5) "Compensable crime" means abuse of corpse in any degree or an intentional, knowing or reckless or criminally negligent act that results in injury or death of another person and which, if committed by a person of full legal capacity, would be punishable as a crime in this state.
- (17) "Victim" means:
- (a) A person:
- (A) Killed or injured in this state as a result of a compensable crime perpetrated or attempted against that person;

ORS 147.015 Eligibility for compensation; generally.

- (1) A person is eligible for an award of compensation under 147.005 to 147.367 if:
- (a) The person is a victim, or is a survivor or dependent of a deceased victim of a compensable crime that has resulted in or may result in a compensable loss;

ORDER AND NOTICE

THEREFORE, IT IS ORDERED by the Department that the request for crime victims' compensation of Qadira Stephens is denied because the eligibility criteria referenced above have not been met.

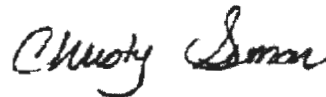
If you disagree with this decision you may request reconsideration by the Crime Victims' Compensation Program **within 90 days of this order. Any such request must be in writing and shall state the reason(s) for your disagreement.** You may present any evidence you feel should be considered by the program as part of its review of your application. Your request must be mailed to the Department of Justice, Crime Victims' Compensation Program, 1162 Court Street NE, Salem, Oregon 97301-4096.

Authorized by:

Dated: 10/01/2024



Jentry Guevara
DOJ Claims Examiner



Christy Simon
Crime Victims' Compensation Manager

November 19, 2024

Qadira Stephens



Oregon Department of Justice
Crime Victims' Compensation Program
1162 Court Street NE
Salem, OR 97301-4096

Claim Number: CV 02808-24

Victim: Qadira Stephens

DA/Police File #: 08-80238

RE: Request for Reconsideration of Crime Victims' Compensation Denial

I am requesting reconsideration of the October 1, 2024, denial of my claim for Crime Victims' Compensation. The decision was based on incomplete information and failed to properly apply the legal standards for evaluating negligence, recklessness, and abuse in a child abuse case. On April 12, 2007, I sustained second- and third-degree burns due to the highly reckless and negligent actions of Aimee McQuiston and Todd Burkholder, while in their care.

At 8 years old, I was placed in a dangerous situation under their supervision and suffered severe injuries as a result. Law enforcement failed to question or investigate Aimee McQuiston and Todd Burkholder, despite the circumstances and severity of my injuries. This lack of action denied me the justice and accountability I was entitled to under the law.

My family and I repeatedly reported our concerns, but we were ignored. No investigation was conducted, even though child abuse cases require thorough steps such as interviewing all parties, conducting forensic analysis, and understanding the full context of the injury. **ORS 419B.010** clearly mandates that any reasonable suspicion of child abuse triggers an official investigation. None of this happened in my case.

The denial of my claim relied solely on an incomplete fact sheet from hospital records, failing to investigate my injuries or evaluate potential neglect and abuse. This was not only inappropriate but a blatant violation of legal standards designed to protect children in situations like mine. The failure to investigate is even more egregious given the racial dynamics of this case.

Aimee McQuiston and Todd Burkholder, both White adults, were not scrutinized or held accountable, while I, a Black child, was left to endure the consequences of their recklessness without recourse. Had proper investigative protocols been followed—or had the racial dynamics been reversed—it is highly probable this case would have been handled differently. I will later compare my case to *State v. Bigelow*, a similar case in Oregon involving a White child, to further demonstrate cause for concern about racial bias.

My injuries were severe and life-altering, leaving permanent physical and psychological damage that continues to affect me as an adult. My case falls squarely within the qualifications set forth by **ORS 147.005** and **ORS 147.015**. This letter will outline the evidence disproving the conclusions in your denial and demonstrate the procedural and ethical failures that demand reconsideration.

1. **"They decided to take a bath"**

This statement is not only misleading but entirely unacceptable. It shifts responsibility onto two 8-year-old children—myself and Sophie Burkholder—who were incapable of making informed decisions about safety. Aimee McQuiston and Todd Burkholder, the supervising adults, coerced me into taking a bath in their home without my parents' knowledge or consent. This was not normal, not appropriate, and not acceptable under any circumstances.

My family did not know the Burkholder's well enough for something like this to ever be justified. I had attended only a handful of playdates and overnights as Sophie's classmate and friend. If my parents had known I was being bathed there, they would never have allowed me to return.

Before the bath, Sophie told me not to call home. This was not a casual suggestion—it was coercion. I was isolated from my parents and prevented from seeking help or guidance, leaving me completely vulnerable. Aimee McQuiston and Todd Burkholder allowed this to happen and failed entirely in their responsibility to protect me.

Their actions violated **ORS 163.575 (Endangering the Welfare of a Minor)**, **ORS 163.195 (Recklessly Endangering Another Person)**, and **ORS 163.205 (Criminal Mistreatment in the First Degree)**. They created an environment that isolated me from my family and subjected me to their control, raising further concerns under **ORS 163.245 (Custodial Interference)**.

What disgusts me even more is how law enforcement continues to overlook this fact and, worse, accepts it as normal. To be told by authorities that this situation is somehow okay is appalling. It is not okay. It is not normal for a child to be coerced into taking a bath at the home of adults they barely know. The fact that this was not treated as a serious violation speaks volumes about how little my safety and well-being were valued.

During their depositions, Aimee McQuiston, Todd Burkholder, and Sophie Burkholder offered conflicting and deeply troubling accounts of my time in their home. Sophie falsely claimed that I had bathed there before because I was “allergic to cats” and wanted to wash off—a blatant lie, as I am not allergic to cats. Aimee McQuiston and Todd echoed this story, insisting I had taken a bath there previously. I have no memory of this ever happening, which raises even more concerns. Were they lying to normalize their behavior, or had it occurred without my awareness? The contradictions in their testimony and the bizarre justification they offered are deeply unsettling and should have raised serious red flags.

The fact that law enforcement ignored these troubling details, failed to investigate, and even accepted such a disturbing situation as normal is not just negligence—it’s an insult. The hospital fact sheet, used to deny my claim, also failed to address these critical issues, leading to an incomplete and inaccurate evaluation of my case. This dismissal of clear signs of coercion, neglect, and inappropriate behavior is unacceptable and further compounds the harm I have endured.

- 2. "They wanted the water to be hotter, so they asked Aimee McQuiston to add boiling water to the tub. As Ms. McQuiston was pouring the boiling water into the tub, Qadira slipped into the stream of water and was severely burned on her legs."**

The fact that this claim is being treated as acceptable is outrageous. It was already completely inappropriate for me to be bathing in the Burkholder’s home without my parents’ knowledge or consent. I was naked and entirely vulnerable. Adding boiling water to the bath—despite having a working water heater—made an already inappropriate situation reckless and dangerous.

Whether Sophie or I asked for hotter water is irrelevant. Aimee McQuiston and Todd Burkholder were the adults, and they were responsible for making safe decisions. Instead, their actions directly caused my injuries, violating **ORS 163.195 (Recklessly Endangering Another Person)**.

In my deposition, I stated that I was standing on the ledge of the tub, naked, when Todd walked into the bathroom and startled me. I slipped and fell into the stream of boiling water as Aimee poured it, severely burning my left leg. The hospital report even got this wrong, claiming I was burned on “my legs,” which shows how little care was taken to document what actually happened.

From their deposition testimonies during the civil trial, I learned that Todd boiled the water in the kitchen and handed it to Aimee. He even claimed he “checked how hot it was” before passing it along, as if that made his actions acceptable. But Todd’s decision to walk into the bathroom while I was naked and vulnerable raises serious questions. What reason could he possibly have had to enter at that moment? His presence startled me and could have been what caused me to slip, as I was trying to hide, but his being there in the first place was inappropriate and unnecessary. This behavior, coupled with the overall circumstances of the incident, should have been investigated.

Aimee and Sophie Burkholder claimed during the trial that I was standing on the floor and “jumped” into the tub into the stream of boiling water. This version contradicts both what I said in my deposition and the hospital’s explanation, unfairly shifting the blame onto me, a child, as if I deliberately caused my own injuries. The fact that no investigation was conducted to resolve these conflicting accounts is appalling. There was no forensic analysis of my burns to determine how the injury happened or whether Aimee poured the water directly on me. Why were these contradictions ignored?

In the civil trial, the Burkholder’s tried to excuse their actions by claiming they were part of a “game” they called “Little House on the Prairie,” which they said they frequently played with Sophie. They even referenced material from the Odyssey Program, an educational program at my elementary school, as if that gave their behavior some legitimacy. This wasn’t a game—it was reckless, harmful, and entirely inappropriate. There is no justification for engaging in such dangerous behavior with naked children, let alone someone else’s child.

As an 8-year-old, I didn’t understand what was happening. Coercing me into participating in such an activity, framed as a “game,” fits the behavior commonly associated with grooming. Under **ORS 163.575 (Endangering the Welfare of a Minor)**, their actions placed me in a situation that endangered my physical welfare and exposed me to harmful conduct.

The power imbalance, coercion, and inappropriate exposure also raise serious questions about whether their actions constituted grooming or even sexual abuse under **ORS 163.427 (Sexual Abuse in the First Degree)**—questions that should have been investigated. The fact that law enforcement dismissed these actions without scrutiny is incomprehensible and dismissive of the harm I endured.

Sophie testified during the civil trial that she sometimes stayed in the tub and “scrunched up at the end” while boiling water was poured in. She also told me after I was burned that she had been burned before during this same activity. Aimee McQuiston and Todd Burkholder were fully aware of how dangerous their actions were but continued anyway, violating **ORS 163.205 (Criminal Mistreatment in the First Degree)** by failing to provide proper supervision and care.

The idea that I, an 8-year-old child, am being blamed for slipping into boiling water is infuriating. I was naked, completely dependent on Aimee and Todd for my safety, and they utterly failed me. Their reckless actions caused my injuries, and the lack of accountability for their behavior is appalling.

Under **ORS 419B.020 (Karly's Law)**, any suspicious injury to a child must trigger an immediate investigation, including forensic analysis. In my case, no investigation was conducted, no forensic examination of my burns occurred, and no effort was made to address the contradictions in the Burkholders’ accounts.

It was already inappropriate for me to be bathing in their home, and every decision Aimee and Todd made only escalated the harm. This wasn’t a misunderstanding or a “tragic accident”—it was reckless, harmful, and entirely preventable. That they would even frame this as part of a “game” is not only disturbing but an insult to everything I endured.

3. “Qadira Was Taken to the Hospital”

This statement implies that Aimee McQuiston and Todd Burkholder responsibly took me to the hospital after I was burned. That is completely false. They did not take me to the hospital—my parents did, after the Burkholders delayed notifying them for 2 to 3 hours. The Burkholders failed to provide appropriate care, downplayed the severity of my injuries, and neglected their responsibility to ensure my safety. Their actions violated **ORS 163.200 (Criminal Mistreatment in the Second Degree)** by withholding necessary medical attention and **ORS 163.195 (Recklessly Endangering Another Person)** by knowingly leaving me in a dangerous and vulnerable state.

I was burned sometime between 6:00 and 7:00 PM, according to the DHS report. Yet the Burkholders waited until 9:09 PM to notify my parents, leaving me in unbearable pain for hours. Instead of immediately contacting my parents—who lived just down the street—or taking me to the hospital, they decided to handle the situation themselves.

I was in severe pain and crying throughout this time, yet they used frozen peas and aloe vera on my second- and third-degree burns—remedies that were completely inappropriate and may have worsened my injuries. I was left naked on their couch, unable to move or leave on my own, while they repeatedly touched me under the pretense of “treatment.”

Initially, they kept me upstairs, but they eventually moved me to the basement, claiming it was to distract me by letting me watch a movie. However, they also turned off all the lights in the house, isolating me further in a dark and unfamiliar environment. The timing and nature of these actions are suspicious. It raises questions about whether their true intention in moving me to the basement and turning off all the lights was to muffle my cries and avoid drawing attention to my distress.

Their nonchalant attitude, combined with their dismissiveness of my pain, only adds to the troubling nature of their behavior. Why would adults delay seeking help for a child who was visibly burned, crying in pain, and in need of immediate medical attention? These actions reflect reckless disregard for my well-being and raise serious questions about their intentions.

When Aimee McQuiston finally called my house and left a voicemail, she minimized my injuries and suggested that I didn’t need medical attention. Her lack of urgency and dismissive tone about the severity of my burns is particularly alarming. When my mother arrived to pick me up, both Aimee McQuiston and Todd Burkholder tried to convince her not to take me to the hospital. They repeatedly insisted my injuries weren’t serious, even as I was visibly burned and in obvious pain. Their downplaying of my condition, combined with their earlier behavior, shows a blatant disregard for my safety and well-being.

Because of the severe pain and trauma, I was experiencing, I cannot fully remember what happened, which is deeply distressing. The Burkholders had complete control over me during this time, leaving the possibility that sexual assault or other harm could have occurred without my knowledge. Adding to this, my clothes from that night have never been returned, raising further concerns about what truly happened.

Later, during the civil trial depositions, Todd Burkholder astonishingly compared my second- and third-degree burns to a minor sunburn. This shocking statement demonstrates their continued attempts to minimize the severity of my injuries and avoid accountability. There is also evidence taken from our attorney's notes and testimony from depositions that they had been drinking that night, further compounding the recklessness of their decisions to isolate me, delay notifying my parents, and downplay my condition.

Their actions violated **ORS 163.200 (Criminal Mistreatment in the Second Degree)** and **ORS 163.195 (Recklessly Endangering Another Person)**. The circumstances surrounding this incident, including the delay in notifying my parents, the decision to isolate me in the basement, their nonchalant attitude, their dismissiveness toward my pain and crying, and their efforts to minimize my injuries, are textbook examples of suspicious behavior.

The suggestion that I was "taken to the hospital" by the Burkholders is entirely untrue. They refused to act, minimized my injuries, and abandoned their duty to protect me. The fact that law enforcement failed to question these glaring red flags or take any meaningful action is not just negligent—it is a complete betrayal of their duty to protect vulnerable children.

4. "Medical records indicate that Qadira was treated, and a dressing was placed over the burns."

This statement is grossly misleading. The care I received was wholly inadequate for the severity of my injuries, effectively leaving my second- and third-degree burns untreated. Despite the requirements of **ORS 419B.020 (Karly's Law)** for law enforcement and child welfare services to respond immediately to suspicious injuries, no investigation or forensic examination was conducted. Furthermore, the hospital's failure to treat me adequately or provide proper follow-up care may constitute a violation of **ORS 163.545 (Child Neglect in the Second Degree)** by leaving me in circumstances likely to endanger my health and welfare.

The hospital visit lasted less than 20 minutes, during which my burns were treated as if they were minor first-degree injuries. No referral to a burn specialist or further evaluation was provided, despite American Burn Association guidelines that recommend specialized care for second- and third-degree burns to prevent infection, contractures, and other long-term complications. Instead, my parents were told to manage my burns at home—an inappropriate and dangerous directive for injuries of this severity.

The hospital's failure to provide proper treatment constitutes gross negligence and a violation of **ORS 163.205 (Criminal Mistreatment in the First Degree)** as they neglected to address my serious medical needs. I was also given Tylenol with codeine, a schedule II narcotic, without a prescription or adequate warnings. This decision was highly irresponsible, as it posed significant risks, including respiratory depression and even death for a child in a hypermetabolic state due to serious burns. Administering this medication without proper oversight demonstrates a reckless disregard for my safety.

The disparity in care I received raises serious concerns about racial bias. Research consistently shows that Black patients are more likely to receive substandard emergency care compared to White patients, and my case fits this troubling pattern. Despite the severity of my injuries, I—a Black child—was denied the proper care and follow-up warranted by my condition. Meanwhile, Aimee McQuiston and Todd Burkholder, who are White, faced no accountability for their role in causing my injuries.

The hospital fact sheet used to deny my claim omits critical details about the inadequate treatment I received. The superficial dressing applied to my burns did nothing to address the true extent of my injuries, leaving my parents to manage a complex medical condition without proper support. This lack of care and failure to refer me to a specialist raises serious questions about whether my race influenced the substandard treatment I was given. Additionally, the hospital's failure to report my suspicious injuries as required under **ORS 419B.020 (Karly's Law)** enabled the Burkholders to avoid accountability and left me without the protections I was entitled to under Oregon law.

5. "Qadira's parents adamantly denied any possibility of abuse."

This statement is false and entirely unsupported by any formal investigation. No interviews were conducted—period. At no point were my parents asked to provide a statement or formally questioned about my injuries. The claim that my parents "denied" abuse is not only fabricated but irrelevant. Even if my parents had made such a statement, it would not absolve medical professionals or law enforcement of their legal obligation to investigate.

Under **ORS 419B.010**, medical professionals are mandatory reporters of child abuse. Their legal responsibility is not to determine whether abuse occurred but to report any reasonable suspicion of abuse to child protective services or law enforcement for proper investigation. The emergency room doctors who treated me failed entirely in this duty.

Despite my severe burns—indisputable indicators of potential abuse—they did not report my injuries to child protective services or law enforcement. Instead, they inaccurately documented that my parents denied abuse, as though that settled the matter.

What's more, the police relied solely on the hospital's fact sheet to conclude there was no abuse. There were no interviews, no investigation, no follow-up of any kind. The hospital's documentation became the sole piece of evidence, even though medical professionals are not tasked with making such determinations. Their only responsibility was to report the injuries for investigation and treat me. By failing to do so, they violated the law and left the Burkholders unaccountable for their actions.

The idea that any child could suffer severe burns and be denied protection based on unchecked assumptions is outrageous. Laws like **ORS 419B.010** exist to ensure that potential abuse is thoroughly investigated—not dismissed because of an unverified hospital record or fabricated claim about parental statements. The hospital and police failed me at every level. They did not report or investigate, and they allowed clear indicators of abuse to go unchecked.

It is unacceptable that I have to explain why this is wrong. Their actions—or lack thereof—were a gross violation of the legal protections I was entitled to and emboldened the Burkholders to avoid accountability. No child deserves to be failed this way by the very systems designed to protect them.

6. “No charges have been filed against Ms. McQuiston in relation to this incident.”

This statement is a blatant deflection and a refusal to acknowledge the severe harm I endured and the systemic failures that protected Aimee McQuiston and Todd Burkholder. The fact that no charges were filed is legally irrelevant. The law does not require charges to be filed for a victim to qualify for assistance, and those involved in this decision know that. Using the lack of charges as an excuse to deny me the support I am entitled to is not just baseless—it is a deliberate and calculated effort to dismiss my experience and shield the perpetrators from accountability.

As a Black child, I was coerced by two White adults, Aimee McQuiston and Todd Burkholder, into playing a dangerous “game” involving boiling water. This was not an accident. It was reckless, cruel, criminal, and caused severe burns that left me physically scarred and psychologically and emotionally traumatized.

After inflicting these injuries, they delayed notifying my parents for hours, minimized the severity of my condition, and failed to ensure I received the medical attention I required. Their actions violated **ORS 163.200 (Criminal Mistreatment in the Second Degree)** and **ORS 163.195 (Recklessly Endangering Another Person)**.

The hospital staff who treated me compounded this harm by writing a false report about what happened. To this day, I have no idea where they got their information, but the inaccuracies in the report are undeniable. They claimed my injuries were minor, disregarded critical evidence of abuse, and fabricated details that minimized the severity of what I endured.

This false report wasn't just irresponsible—it was illegal. Under **Karly's Law (ORS 419B.020 and ORS 418.747)**, medical professionals are mandatory reporters. They are required to report any suspicion of abuse and cannot substitute their own fabricated assumptions for an actual investigation. Instead of fulfilling this duty, they wrote a fact sheet that omitted key details, contained falsehoods, and downplayed the abuse I suffered.

Law enforcement then relied solely on this flawed document to determine what happened. No interviews were conducted. No evidence was collected. The police simply accepted the medical fact sheet as fact, using it to dismiss my case entirely. This is not how the law works. Law enforcement had a legal obligation to conduct a proper investigation, not to delegate that responsibility to medical professionals. By relying on a false report to dismiss clear evidence of abuse, they violated my rights and allowed the perpetrators to avoid accountability.

My parents and I reported this crime multiple times, and every single report was ignored. Not once did law enforcement or medical professionals act on their obligations to investigate or protect me. These weren't mistakes—they were deliberate decisions to ignore the abuse I suffered and prioritize the protection of Aimee McQuiston and Todd Burkholder over my safety.

In 2022, Todd Burkholder's ex-wife, Christina Burkholder, came forward with evidence that Todd had a box of child pornography in his closet. She reported this to law enforcement, and after she provided us with additional evidence, including a photo of child pornography, we reported it as well. The police confirmed the photo was child pornography, yet they still failed to act. There is no justification for this inaction. Todd Burkholder's history and the confirmed evidence should have prompted immediate intervention. Instead, law enforcement protected him while disregarding the safety of others, including me.

After Aimee McQuiston and Todd Burkholder severely burned me, I was left alone with Todd in the basement for hours, completely exposed and dependent on him and Aimee McQuiston. I do not remember everything that happened during that time, and the lack of any investigation into his actions is deeply troubling. Law enforcement and other mandatory reporters had every opportunity to address his history, investigate his behavior, and hold him accountable. Their failure to act is indefensible.

Scott Kocher, the attorney my parents hired to advocate for me, also betrayed me. During the civil trial, Kocher framed my family as if we were only pursuing money and made no effort to hold Aimee McQuiston and Todd Burkholder accountable. Only after the trial did we learn from depositions—documents Kocher deliberately withheld from my parents—that he was friends with Rex Burkholder, Todd’s brother. This undisclosed relationship was a clear conflict of interest and casts serious doubt on his motives.

Kocher’s actions went beyond negligence; they appear to be a deliberate effort to sabotage my case and ensure a favorable outcome for Aimee McQuiston and Todd Burkholder. By withholding key evidence and failing to present a meaningful argument on my behalf, Kocher intentionally undermined my case, protecting the Burkholders at my expense.

Moreover, as a mandatory reporter under **ORS 419B.010**, Kocher had a legal obligation to report suspected child abuse to the proper authorities for investigation. Despite the clear evidence of abuse and neglect, Kocher failed to report my injuries or ensure that my case was investigated properly. This deliberate inaction not only enabled the Burkholders to avoid accountability but also left me without the protection and justice I deserved.

These actions not only represent a gross breach of fiduciary duty but also meet the criteria for **ORS 162.235 (Obstructing Governmental or Judicial Administration)**. Kocher’s deliberate interference hindered the fair administration of justice, manipulated the judicial process, and ensured that those responsible for harming me faced no accountability. His betrayal of his duties as my attorney caused irreparable harm to my family’s ability to seek justice and allowed the Burkholders to evade responsibility for their actions.

These failures were not accidents. They were deliberate choices made by individuals and systems that prioritized the protection of two White adults over the safety and well-being of a Black child. Law enforcement, medical professionals, and legal professionals all ignored their responsibilities. These failures left me with lifelong harm and no accountability for what was done to me. The refusal to provide victim assistance now only adds to this injustice.

Let me make this absolutely clear: charges are not required for a victim to qualify for assistance. Denying me this support based on a lack of charges is legally indefensible and a transparent attempt to dismiss my experience. Those making this decision are fully aware of the law and are intentionally choosing to ignore it. The question is why.

The only explanation I can find is systemic racism. The repeated refusal to investigate, to act, or to hold these White adults accountable for what they did to me as a Black child cannot be explained any other way. These failures weren't careless—they were deliberate, and they reflect a deep bias that cannot be ignored. This is unacceptable. The systems and individuals responsible for these failures must be held accountable.

7. Racial Bias and *State v. Bigelow*

The mishandling of my case demonstrates clear racial bias in the systems meant to protect children. As a Black child, I suffered severe second- and third-degree burns on April 12, 2007, inflicted by two White adults, Aimee McQuiston and Todd Burkholder. Despite the seriousness of my injuries, there was no investigation, no accountability, and no justice. Less than a year later, on January 15, 2008, a White child in Oregon suffered burns under similar circumstances in *State v. Bigelow*. The starkly different responses to these cases expose systemic failures and racial double standards.

State v. Bigelow, decided in 2010 by the Oregon Court of Appeals, involved Dawna Bigelow, a caregiver who scalded a White child with hot water. Bigelow claimed the injuries were accidental, and the child's parents did not accuse her of abuse. The child received immediate medical attention, including specialized care at a burn center. Law enforcement and medical professionals treated the injuries as suspicious and launched a full investigation. Forensic experts were consulted, evidence was scrutinized, and Bigelow was ultimately convicted of first-degree criminal mistreatment, second-degree assault, and third-degree assault.

The similarities between my case and Bigelow are undeniable. Both cases involved children burned by caregivers who claimed the injuries were accidental. Both involved parents who did not initially accuse the caregivers of abuse. Both required expert analysis to determine intent and cause. Yet only one case was taken seriously.

In *Bigelow*, the White child received immediate and appropriate medical care, and the legal system fulfilled its duty to protect the victim and ensure accountability. In my case, Aimee McQuiston and Todd Burkholder coerced me into playing a dangerous game, naked and involving boiling water, that resulted in my severe burns. After I was injured, they delayed notifying my parents for hours and failed to get me immediate care. Unlike the child in *Bigelow*, I was not transferred to a burn center despite having second- and third-degree burns. The care I received was superficial and inadequate, failing to address the severity of my injuries.

Medical professionals then compounded this harm by producing a false report that minimized my injuries and fabricated details to absolve Aimee McQuiston and Todd Burkholder of responsibility. This report violated Karly's Law, which mandates the reporting and investigation of suspicious injuries in children. Law enforcement relied solely on this report, dismissing my case entirely. No forensic evaluations were conducted, no experts were consulted, and no questions were asked of Aimee McQuiston or Todd Burkholder. The Burkholder's faced no scrutiny, no accountability, and no consequences.

The racial bias in these disparities is further highlighted by the experience of my White friend, Heidi Kordosky. Heidi, a survivor of childhood sexual abuse, applied for victim assistance over 40 years after the abuse occurred. Just this year, she was approved without needing to provide documentation, and the individuals responsible for her abuse were never charged. Meanwhile, despite my severe injuries, repeated reports, and ongoing psychological harm, I have been denied victim assistance and justice at every turn.

The differences between my case and *State v. Bigelow*, as well as Heidi's experience, cannot be explained by the facts or the law. Both the child in *State v. Bigelow* and I suffered serious injuries at the hands of caregivers, and both required investigations to determine responsibility. Heidi's case shows that even without evidence or charges, victim assistance is readily available to those the system deems worthy. The fact that I have been denied that same consideration can only be explained by systemic racial bias.

My case was not ignored because of insufficient evidence or lack of reporting—it was ignored because I was a Black child. The White child in *State v. Bigelow* was afforded justice and care, while I was left to suffer without protection or support. This is not just an institutional failure—it is a glaring example of systemic racism in action. The systems meant to protect children must be held accountable for their failure to act and for perpetuating racial disparities that harm victims like me.

8. 17 Years of Injustice

For 17 years, my family has sought justice, only to face retaliation instead of accountability. In 2023, when my parents continued to demand answers and protested peacefully, they were wrongfully charged with 10-year prison sentences and heavy fines. This was not justice—it was retaliation meant to silence us for speaking the truth about what happened to me. Although the charges were dropped in 2024, the damage was already done. My family was punished for seeking justice, while the adults who harmed me—Aimee McQuiston and Todd Burkholder—faced no consequences.

The Burkholders coerced me, a Black child, into playing a dangerous “game” involving boiling water while I was completely naked, leaving me exposed, defenseless, and vulnerable. This was not an “unfortunate accident,” as your letter denying my claim described it. It was the result of their reckless and dangerous actions. After inflicting severe second- and third-degree burns on me, they delayed notifying my parents, downplayed the seriousness of my injuries, ignored medical advice, and failed to get me the care I urgently needed.

Their actions were deliberate, inappropriate, and criminal. But the Burkholders were not the only ones responsible for my harm. The systems meant to protect me—including medical professionals, school officials, legal professionals, and law enforcement—failed at every step and, in doing so, contributed to the abuse I endured.

Medical professionals minimized my injuries in a false report that absolved the Burkholders of responsibility, violating the law and denying me proper treatment. Law enforcement violated Karly’s Law by relying solely on this false report, dismissing my case without any investigation, and the legal professionals involved in the civil trial deliberately undermined my family’s attempts to hold the Burkholders accountable. These failures were not just oversights—they were deliberate choices to prioritize the protection of White adults over the safety and well-being of a Black child.

Because of their negligence and inaction, I never received adequate medical care for my burns. This failure caused compounding physical and psychological harm that continues to affect me to this day. Burns are known to result in long-term physical pain and significant psychological trauma, especially in children. In my case, these injuries exacerbated other medical conditions and led to numerous health issues that began shortly after I was burned. The evidence of these ongoing effects is clear. This program is one of the few avenues available to help me address the harm I have suffered and provide the support I urgently need.

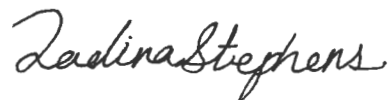
When I applied to this program, I believed it might finally offer me fair treatment. Instead, I have been ignored, and no one has followed up with me to allow an opportunity to provide additional details or documentation. The dismissiveness I have faced is not just negligent—it is racist. This program’s denial of my claim actively protects Aimee McQuiston and Todd Burkholder while dismissing the clear harm I endured as though it were insignificant. This is not an oversight or misunderstanding—it is a deliberate choice to ignore my suffering and perpetuate the systemic racism that has defined my experience.

Do not insult me with an empty apology or a patronizing response claiming that “nothing can be done.” You have the power and authority to approve my claim, and refusing to do so is a conscious decision to deny me justice and protect those who harmed me.

The failures of the Burkholders, medical professionals, law enforcement, and the legal system have left me with lasting physical scars, emotional trauma, and worsening health conditions. This program has the opportunity to address the injustice I have endured and provide the compensation I am entitled to under **ORS 147.005** and **ORS 147.015**. Anything less would be an active continuation of the harm I have suffered for nearly two decades.

You must approve my claim—not out of sympathy, but because the evidence and the law demand it. To deny me would not only perpetuate the systemic racism that has already harmed me but also confirm this program’s role in shielding abusers and dismissing victims.

Sincerely,



Qadira Stephens

