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Wednesday, January 12, 2005

**Helena News:**

**Infant tested positive for meth**

By CAROLYNN BRIGHT - IR Staff Writer - 01/12/05

**After her newborn tested positive for methamphetamine in its system last year, a Helena woman has been charged in connection with the incident.**

On Friday, Deputy County Attorney Carolyn Clemens filed a count of criminal endangerment against Jodi E. Silberling, 25. Criminal endangerment carries a maximum penalty of 10 years in prison and/or a \$50,000 fine.

According to Clemens, the baby was born at St. Peter's Hospital on Oct. 14 and tests conducted on the child shortly after its birth detected the presence of methamphetamine.

That indicates that the child's mother allegedly ingested the illegal drug relatively close to the time of the child's delivery, Clemens added.

"(The charge of criminal endangerment) most fits the conduct of putting the child at risk for death or serious bodily injury," she said. "Often these children are born prematurely and have health problems."

According to Clemens, not all babies that are delivered at the hospital undergo such tests — just those that exhibit certain signs or behaviors that alert physicians to a potential problem.

The criminal endangerment charge follows on the heels of another charge filed recently against Silberling for selling methamphetamine in

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August.

Silberling's appearance date on the drug charge was scheduled for Thursday, Jan. 6, but when Silberling failed to appear, a warrant was issued and she was arrested a day later.

The county attorney's office decided to file the criminal endangerment charge against Silberling while she was in custody.



A trial date has not been set in the criminal endangerment case and Silberling is scheduled to make her initial appearance on the new charge in front of Justice of the Peace Wally Jewell Jan. 24.

This is not the first time that a Helena mother has been charged criminally after giving birth to a child with methamphetamine in its system — it's the fourth occasion, Clemens said.

The majority of those cases have drawn deferred sentences for the offenders involved.

In one case, the mother of a child born with methamphetamine in its system violated the conditions of her deferred sentence and drew the wrath of the judge.

District Judge Dorothy McCarter lowered the boom on the woman, sentencing her to 10 years to the Montana Department of Corrections with five years suspended, and ordering her to take birth control pills for the duration of her time under supervision.

That condition was dropped from her sentence after the Montana Supreme Court overturned McCarter's ruling because the justices believed the condition was unconstitutional.

While charges have not yet been brought, Clemens said another baby was born with methamphetamine in its system just last week.

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