



No false-reporting charges in Avondale rape accusation

Police won't charge girl in rape accusation against teacher

by [Jackee Coe](#) - Sept. 28, 2010 12:00 AM
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Avondale police won't pursue false-reporting charges against a special-education student who accused an Agua Fria High School teacher of rape.

A Maricopa County Superior Court judge on Sept. 2 dismissed charges of sexual conduct with a minor, sexual abuse and kidnapping against Brian Willner, 36, of Litchfield Park. He is expected to go back to work after getting his fingerprint clearance card reinstated.

Willner, the special-education chairman at the Avondale school, was arrested in May after the girl accused him of raping her in his office. A medical examination of the girl found internal bruises and cuts, and both tested positive for chlamydia.

Willner's attorneys argued the allegation was "fabricated by a troubled 15-year-old with psychological problems," and questioned the validity of the test because Willner and his wife tested negative at a different clinic later.

But police spokesman Reuben Gonzales said, "There's no evidence that shows that she was lying or being untruthful, so there would be absolutely no reason for us to seek any sort of false-reporting charges against her." And charges could be re-filed if police obtain additional information.

Responding to a public records request, the Avondale Police Department released the full 86-page investigation after the charges were dismissed. Previously, only 27 pages had been released.

According to the report:

◆ The Glendale girl, now 16, has psychosis, bipolar disorder, ADHD and behavioral issues. She has difficulty expressing anger appropriately and often screams or yells. She has anxiety in large crowds and struggles in a school setting. She had difficulties in previous schools, and was expelled from one for making death threats against two students.

◆ The girl said Willner pulled her out of class, took her to his office and raped her sometime between March 23 and April 2, but her two teachers only recalled Willner

taking her out of class for an Individualized Educational Program meeting on April 15.

- ◆ She told police she passed out during the assault and woke up in the nurse's office, but there is no record of it.
- ◆ The girl's school attendance was "poor." She missed 23 days of school between March 4 and April 23.
- ◆ She had not wanted to go to school for about two months before she accused Willner but wouldn't tell her mother why. Then she had an outburst during her IEP meeting in Willner's office. Also present were Willner's assistant, the girl's mother, godmother, teacher and behavioral coaches. She called Willner a "pervert" and began screaming until Willner canceled the meeting. That night, she made the accusation.
- ◆ She later told police "the day of the IEP meeting, she started remembering everything, and she became upset and angry."
- ◆ She told a behavioral coach "she was going to say something that was not true."
- ◆ The girl's and her mother's behavioral case manager said the family is "difficult" and does not trust many people, but he "did not know why (they) would want to make a false accusation."

In the final interview in the report, dated Aug. 27, the detective questioned the girl about her discrepancies. She said school officials "could have erased" the nurse's records of her being in the office after fainting. She denied making up the story.

The police report also states:

- ◆ Willner's personal policy won't let him "be alone with any of the students and someone is always present if he does have contact with students." His assistant documents all interactions with the girl and her mother.
- ◆ Willner's assistant said Willner "always wanted what's best" for the girl and her mother. He "has a heart for the students and (she) has seen him treating all the students the same way since she started working with him."

Gonzales said police did their job.

"If there's an accusation, we are going to take a report," he said. "When somebody makes an allegation, especially an allegation this grave of sexual assault . . . there's a lot of evidence gathering, there's a lot of interviews, there's a lot of background information that they gather."

Willner's fingerprint clearance card was suspended because of the case. It's being reinstated.

"We're just waiting for those things to be cleared by the state," Superintendent Dennis Runyan said. "We honor the court's decisions . . . and we look forward to Mr. Willner having an opportunity to rejoin the district.

"We've talked about a couple possible placements in terms of location, so that has not been finalized," Runyan said. "It would be the same position, he would be director of the department and special-education teacher. ... We just have to reassess where those skills are needed most."

Reporter Megan Gordon contributed to this article.

<http://archive.azcentral.com/news/articles/2010/09/28/20100928wwillner0928.html>