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# Girl, 4, testifies she awoke and found herself alone on a bus

PORTSMOUTH

Janiyah Howell, 4, took a seat in the witness stand, smiled brightly, then moved her hands up and down the microphone as she testified about the day she woke up and found herself alone on a parked school bus.

The child said she looked out the window that day and saw other buses. She cried, too, and when she spotted a spider, she switched to another seat.

Joan D. Pierce, 56, the bus driver charged after the May 18 incident, sat at the defense table Wednesday swabbing at her eyes with a tissue a bailiff offered her.

After hearing the evidence, Juvenile and Domestic Relations District Judge William S. Moore Jr. dismissed the charge against the bus driver.

Bryan Harrison, Pierce's lawyer, had argued that the driver made a mistake but the error did not rise to the level of felony child neglect.

Evidence in such cases must prove that an act or omission was so gross, wanton and culpable that it shows a reckless disregard for human life, according to state law.

Pierce apparently discovered the child when she returned to the bus, according to testimony. She then brought the child to school hours late and staff members called Janiyah's mother, according to testimony.

Alicia Scott testified that her daughter was a little nervous when she picked her up. She said she took Janiyah to a hospital to make sure she was OK.

Later, Harrison said Pierce had walked the bus after the children got off the bus, so she does not know how she missed Janiyah.

He also said the 4-year-old was not alone for hours, because the driver was making other school stops during much of that time.

Pierce has lost her job, Harrison said. She feels terrible about what happened, he said.

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