

A violent death and a prison sentence that were both avoidable

Readers have heard or seen the recent news wherein a woman was sentenced to a term of 6-12 years in prison for stabbing her husband. On the surface, many may have felt that it was a just sentence for a violent crime.

And, that's all the other media in town provides - the surface.

This tragedy could have been prevented and the man would still be alive and the woman free.

But, "the system" let both of them down. The man should have been in prison and the woman should have been safe from his abuse. His family probably won't like the position that he should have been taken away from a life of serial domestic violence, but in this case, it would have saved his life.

The "victim" in this case is generally considered to be the man who is dead. But, in this case, the woman was equally a victim. A victim of frequent physical abuse and repeatedly the victim of a system that did not do its job.

I spend a good deal of my time reading case files. I generate many stories based on public records. I typically do not write a story based solely on what someone tells me. I use public records to bolster or refute their allegations. Oftentimes, I do not go forward with a story because the public records are not in support or confirmation of what I've been told.

This particular tragedy caught my eye because of the sentence. Readers may be getting weary of my reminding them of a "murder" where that man received probation only. No prison time. In that case, he deliberately struck his brother, a much larger man, over and over and over again with a shaft holding an axle gear. He then left his brother to die on the driveway while he spent the next few hours on his cell phone or asleep.

I wondered how heinous this woman's crime was to justify such a disparate sentence. Why a judge would utter the same words Judge Ed Grant did on a previous case but then did not apply to the axle swinger. Judge Peter Arnold said "probation was not appropriate because of the seriousness and finality of the crime," according to the WT-E. This woman stabbed her abusive husband one time, not intending to kill him. The axle swinger struck his brother at least six times, according to his attorney at time of sentencing. What the hell - is there more room at Lusk than in Rawlins? The inequities in punishment of women compared to

men is staggering. And in charging. In this case, a woman stabbed her husband once but it was a "perfect storm" hit, and she was originally charged with first degree murder. The DA's office overcharges so they can plea bargain down to an appropriate charge before trial. And win.

There was nothing in this incident that would even suggest her action was premeditated. The sentence for first degree murder in Wyoming is the contradictory "Life / Death." Even a modest degree of review by the DA's office would have turned up what the Cheyenne Herald did in less than two hours.

It is not my purpose to unnecessarily trash the man who is dead. Nor is it to condone what the woman did. It is to explain why this happened and how the system repeatedly failed this woman.

By way of review: The incident occurred in the couple's home on June 30, 2008. The woman who stabbed her husband had been gainfully employed and had married this guy within the past two years. She is now but 34 years old. Her story, based on court files was, "he hit me, and I was in the kitchen. He hit me in the back of the head and I was trying to do the dishes. I had picked up the knife and then I put it down. He had picked up the knife and following me into where the living room is ..." Then, "But, I remember him jumping at me and I was scared that he was going to stab me and he actually handed me the knife."

She then remembered "running to the neighbor's house to get him help."

The DA's office added that the guy had also "struck her in the face in the bathroom" before this incident.

Did her story make sense? Was she scared? Should she have been scared? Did she finally "snap" at her husband's latest abusive behavior?

Had the DA's office or the court done any sort of review, they would have read the same files readily available to the Cheyenne Herald. And to them.

Three years prior to this deadly incident, the man was charged with "simple assault, battery (3rd count) and reckless endangering." Another woman was involved that time. The case file indicated the 2005 incident was his **3RD COUNT**. Remember, in Wyoming, men get the first two assaults on a woman, **FREE!**

Only with the third assault ~~does~~ may it become a felony with real consequences.

The DA's office has a disturbing fondness of dismissing too many "3rd counts" so a man never reaches conviction of a felony. Why is that? This is not the first case I've seen it happen. Do they turn these guys into snitches? It has happened. Is there consideration given to the overcrowding at Rawlins and high cost of farming prisoners out to foreign states?

In that 2005 case (the first "3rd Count"), the man's defense attorney said, "he started slashing the knife and damaging things in the residence and a bed got cut up." So, abuser had a known history with a knife. He was given a 1 year suspended sentence. During that probation, he repeatedly violated conditions of the probation. He "missed scheduled appointments," he "had contact with the victim," he was "at the Eagle's Nest," and, he "did not follow through domestic violence counseling," plus other violations.

He was charged with a new felony in 2007. A petition to revoke probation was dismissed on May 17, 2007 - a year before the fatal incident. He had been convicted of domestic violence in 2004 and 2005. Judge Grant dismissed a 2007 charge on July 5, 2007.

In May of 2007, the woman of this story became his newest victim. She told the Court, "she had never been hit before but the last two nights, the defendant has been hitting her." And, she "had been hit in the face and in the abdomen several times over the course of the evening."

His bond was set at \$5,000 (remember, he had a lengthy record of domestic violence). He couldn't make the 10%. It was reduced to \$2,000. He couldn't make the 10%. Then, he was released on OR. At that 2007 sentencing hearing, his public defender said: "He does have one prior felony but that was 13 years ago and that was a felony." Yes, he did have a burglary conviction in 1996. The public defender also vouched for the serial woman abuser: "He has always stayed in touch with me, always shown up for court."

The DA's office pointed out that "other 3rd domestic violence" charge had been dismissed and that the guy had also faced probation revocation in the past but they did not object to still another dismissal. On November 30, 2007, a Motion for Dismissal was filed by the State (the DA's office) and it concluded, "for the reason that the State no longer wishes to pursue the matter at this time." How nice.

Things were not peaceful between the deceased and the woman going to Lusk for stabbing him over the next six months.

On March 25, 2008, she sought a protective order against her husband. It was granted and it begins: "Respondent shall not physically abuse, threaten to physically abuse, verbally abuse or do any act with unreasonably restrains the personal liberty of the Petitioner." WILLFUL VIOLATION OF THIS ORDER MAY CONSTITUTE A CRIME ... These documents aren't worth the paper they're printed on.

Archer

The Cheyenne Herald tried to tell voters that the election wherein county government asked for millions for "Archer" did not meet the requirements of state statutes for specificity.

Subsequent to that successful election, the daily took exception to a couple projects that were not promised to voters (because they weren't on the ballot) but were "quasi-promised" to voters because commissioners and others promised projects in words during the campaign.

The daily was so preoccupied with trying to get city projects approved, editorializing every day - sometimes more than once a day in the same paper - that they couldn't be bothered about impropriety of the county's ballot proposition.

Plus, the WT-E was convinced that the county project for "Archer" would fail. Not only did they want that to happen (because of their ongoing feud with two of the county commissioners) but the bogus poll they presented voters showed the Archer proposition was "in trouble."

Instead, voters approved "Archer" and rejected a city recreation center. The daily had invested so heavily in the rec center that they didn't have time or concern about the county not providing specificity to their huge "Archer" request. Neither did voters. So many were more concerned with "sticking it" to the city administration that they would have approved anything the county and towns asked for.

What the commissioners pulled off was the equivalent of the city having a proposition on the ballot that said only "Downtown." That they wanted \$25 million for "the downtown." No specifics - just describing a general area - no projects.

That would have been wrong and what the county got away with was wrong. Now, the daily and others are shaking their collective heads and wondering how that got past them. That part of state statute which allows counties to seek additional pennies of sales tax, upon voter approval, requires "specific use" - not general or vague use. Specific. Voters weren't given that by commissioners and now is too late to seek that information.

The Petitioner (woman) did not appear and the "Domestic Violence Order" was dismissed without prejudice by Denise Nau. On May 6, 2008, the woman was back. The Respondent (the man) was again ordered not to harm her. She would have possession of their house and he was to do nothing to interfere with the children (the baby was his - the older two hers before she entered this relationship).

Once again, she failed to appear at the May 8th scheduled hearing and the Order was dismissed - this time by Judge Campbell. No one intervened. Women who are terrified of the man often stay in abusive relationships. The system will not protect them. Women have told me they come to feel they are better off taking beatings than going to a system that will return them to be killed. This incident was avoidable. The system let them down - both the abuser and the abused.

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