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the Local advocacy journal

No abuser of women should be allowed six confirmed assaults before it becomes a felony and they are imprisoned

It's too bad more concern isn't shown for tougher domestic abuse laws instead of being given to insuring serial abusers retain their gun rights

March 2005.

April 2005.

October 2006.

November 2007.

December 2008.

February 2009.

There's a disturbing frequency here.

The above months and years represent dates when a local man committed domestic abuse on his spouse or girlfriend. Those are just the *reported* abuses.

How much time has he spent in Rawlins?

None. Not a day for any of the assaults.

And the only reason he spent short stints in the local jail was the formality of arranging minimal bail a couple times.

Conditions of his "bonding out" of jail included "no assaultive behavior," "no alcohol or controlled substances," "no contact with specific victims," "can't go near or to specific addresses." Yeah, right.

This is a guy who probably shot right from the jail to a bar. And, on the drive to the bar, he was probably on his cell phone threatening one of the women he was not to contact and, after he got liquored up, stalked the home of his victim to see if she had anyone else there.

My review of the case files on this abuser presented a story that made me queasy. And, I came away wondering how one person can be given such freedom to repeatedly abuse a much smaller female - one of them the mother to his children. A first reaction might be to get upset with the police and with the courts. How can a judge look at a guy like this and repeatedly grant him more chances? He/She has to know those "chances" will include further abuse.

Judges should treat with special disdain a guy who pulls the hair of his female mate. That's the way girls fight.

But he does that because it doesn't show marks - it doesn't show evidence that he has abused his victim. When he gets so drunk that he can't control his behavior, then he uses his fists. Despite threats, he has not gone beyond that. No guns, clubs, tire irons or knives yet.

This abuser has been assaultive of women more often than Mike Tyson.

While the job of law enforcement, prosecution and the courts in this sensitive issue of domestic violence is extremely difficult, it shouldn't take six confirmed assaults to lead to prison time for any abuser. Six times in four years!

As in this case, the victim often returns to the abuser. I'm not a psychologist or a psychiatrist so I'm unqualified to explain this phenomenon. But I've asked that question of abused and family members of abused women. (See page 3) They can't explain it either but have told me that it is a too common occurrence. Those who have seen their mother abused too often hooks up with guys who abuse them, too. They stay with them or return to them when they get out of jail.

Why would a singer like Rihanna, one of the most popular and glamorous young female singers in the world, even consider returning to the guy who beat her so badly just before the recent Grammy's that she couldn't perform there that night as scheduled? She is not dependant on Chris Brown. She should not lack the self-esteem or confidence to be on her own. She already has - and will earn much more - adequate money to live in opulence. So, why?

And why in God's name are abusers allowed at least three assaults before it is even considered a felony? In this case, the guy first assaulted his wife in 2005 by grabbing her "by the hair, drug her out the front door and off the stoop into the front yard." In front of witnesses!

Barely a month later, he reached through the open window of the car she was seated in (with a young daughter) and "slapped her sunglasses off."

He was released on \$500 cash bail.

Unappreciative of his freedom on two counts of battery, he missed a plea change hearing. Bail (which he hadn't paid himself) was forfeited.

So, he had two counts hanging over his head. But, alas, they were consolidated into one. One was dismissed - so he only had one strike against him. It's kind of hard to get to the three convictions when the prosecution combines two into one. Does that mean that an abusive guy gets six assaults before it's a felony?

In confirmation of the difficulty faced by police, the prosecution and the courts, the victim provided a typewritten letter to the Court in which she said, "I would like all charges of the domestic violence against (the abuser) to be dismissed. I will not testify against him on these charges. I was pressured by the officers to make a statement against him in this matter, and felt afraid of them."

That came after the first assault. Her thanks? Three weeks later, he abused her again.

His level of violence escalated.

His next assault was against a live-in girlfriend, a female of about half his size. He was cited for "Battery - 2nd Offense," along with False Imprisonment and Battery as a probation violation.

This time, he beat the hell out of the victim. Drunk, which was a probation violation, he repeatedly struck her and injured her enough to require treatment.

Like the English Bobbies who, because they're unarmed, chase criminals shouting, "Stop. Stop or I'll shout 'Stop' again," our system often looks for a way to get a "Guilty" plea so there are fewer trials and conviction percentage rates are high. So they "plea" away charges. Dismiss 'em.

Instead of this being the guy's third domestic violence conviction, because the first and second were consolidated into one, it was officially his second. Stronger charges could have been brought based on the severity of this beating but they weren't. The victim did not immediately report the abuse because of fear.

Victims have told me they're afraid the abuser won't be incarcerated and he will return and make things even worse. Beat them worse. This guy is a classic example of how ineffective the "no contact" part of bail or probation is.

In fact, according to this case file, after the victim reported the assault, police contacted the assailant and asked him to meet with them. The guy told police he was "going to Fort Collins for dinner," and then would not answer his cell phone the following day.

Wow! If you're accused of beating a much smaller woman (or any woman for that matter) to a pulp, you get to choose when it's convenient to talk with police?

The guy pled not guilty and bought time by demanding a jury trial. The abuser and a bonding agency posted \$2000 cash bail and he was on the streets yet again. Eventually, of course, he pled guilty and was again given a pass with restrictions. Four and a half months after posting bond, \$1870 was returned to him and the bonding agency.

In November of 2007, he again beat the same woman. This one was a freebie, though. Photographs were taken of the injuries and a police report was filed by the victim. Nothing came of that report. No charges. Who gets to decide whether abuse warrants criminal charges or whether the assault gets a free pass?

Victims often return to the abuser. They fear greater abuse and don't see the justice system as being on their side. In this specific case, the victim was once threatened with arrest if she persisted in her story. The abuser can get friends and family to lie for him to help him avoid punishment, which could include incarceration. And the victim is challenged and threatened because of those lies.

Often, the abuser is said to be a great guy when he's "not drinking" or when he's "not high." When repeated violations of probation or bond conditions do not bring an arrest, the abuser begins to believe he is bulletproof. He often is. In this case, he "got away" with six reported and countless unreported assaults.

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Why do victims return to an abuser?

(Continued from front page)

I have decided to withhold most of an interview I recently had with a serial victim of domestic abuse until her abuser is securely ensconced in Rawlins. He has threatened to kill her and subjecting him to too much information about her identity might be unsafe.

This victim could have been any of a hundred or a thousand, who knows the exact number, of women who suffer repeated abuse from those who claim to love them and promise to care for them.

And if readers think abuse is only perpetrated against those of low income or limited education, you don't know the subject. Some may remember the case of Hedda Nussbaum, a compliant recipient of horrible physical abuse who did not report it until a young child in her care and custody died as the result of abuse by her attorney mate, Joel Steinberg. Friends were aware of the abuse but did not report it. She left Steinberg several times, only to return each time.

The interviewee of this story "separated" from her abuser numerous times but, just like the well-educated Nussbaum, returned to him. Experts liken this to the "Stockholm Syndrome," where hostages in a bank robbery identified with their captives - some say because of extreme fear of them.

As an amateur, it also seems that abused women reach a point in their lives, as do those addicted to drugs or alcohol, where they feel they have reached "bottom." Unfortunately, not all do soon enough.

I would assume it is so much more difficult for a mother with small children to break the cycle of abuse and repentance. When I asked this woman if her abuser was always repentant, she said "never."

Most abused women I've spoken with in the past few years describe a mate who is "controlling," who does not want them to have other friends, often to the point of challenging the victim as to what was said if they even talk to another person - male or female. The most vile epithets are hurled at the woman and accusations of unfaithfulness are common. Often, the male making the accusation has been unfaithful to the abused woman on multiple occasions.

As noted previously, one reason abused women don't break away is fear they will not be protected. Being beaten is preferable to being killed. Law enforcement, prosecutors and the courts cannot be enablers for those who abuse women. Or children. One child who was physically abused by his father said he had always been referred to as "it" by his dad. And mothers. Can you imagine the lack of human decency present in a man who would abuse his own mother - either physically or verbally? There is a special place in hell for people like that.

When serious charges like False Imprisonment or Kidnapping are dismissed to gain a plea agreement for misdemeanor Battery, prosecutors are almost encouraging abusers to repeat. Nail them the first time, the very first time. Break a bone, draw blood, blacken an eye, etc., and off to Rawlins you go. Zero tolerance.

The fine line between journalism and voyeurism

The WT-E has crossed it by demanding autopsy reports on the deaths of three children in Riverton

Pretending to be fighting a battle on behalf of parents doesn't make it so.

The classless Wyoming Tribune-Eagle is part of a cabal claiming to be entitled to autopsy reports they could care less about. And, like the dog that catches the car, what will they do with them if they're successful in obtaining them?

Speaking for the Cheyenne Herald, I wouldn't publish a word from those autopsy reports if they were dropped on my desk in the morning.

For the Wyoming Press Association and Cheyenne's clueless daily newspaper to pretend to care about open records and secret meetings is laughable. For the eight years Jack Spiker was providing exclusive access to the WT-E, you never once heard either complain that insider information should be made equally available to all media.

To claim, as Reed Eckhardt did in an opinion piece on Sunday, March 15, 2009 that he represents the interests of the family, is abjectly absurd. He could care less about the family. In fact, media prying open files would bring renewed heartbreak and anguish to families who are trying to heal from the June 2008 tragedy. They already know what happened.

Being sheltered from much of the real world as these Press Association members are, they may be unaware that federal agencies are in control. Should the Fremont County Coroner's Office release something to them (like the autopsy reports) without FBI and BIA (Bureau of Indian Affairs) approval, charges would likely be brought against them.

The faux-journalists may believe that Wyoming State statutes trump federal law but they don't. I was personally in a courtroom in northern Wisconsin, awaiting an estate hearing, when a Minneapolis attorney, armed to the teeth with statute books, pointedly told that judge that he had no jurisdiction over a Native American charged with kidnapping - that tribal courts would deal with the matter.

The judge readily agreed and kicked the case from his courtroom. He told us as we were readying for our hearing that it happens all the time to him. The nearby Indian reservation is a sovereign nation and he cannot hear cases involving most violations by tribal members.

Juvenile records are usually sealed - defendants are not disclosed unless charged as adults. The tragic deaths of these 13, 14 and 15 year-old girls are being investigated. If the WT-E ever journeyed to the District Court office, they would learn that there are many restricted or "secured" files. If they asked, they'd find out those files involve juveniles. Even when those of majority age are involved, juveniles' identities are often protected.

I have reviewed autopsy reports. On suicides, accidental deaths and murders. I would not publish anything I've learned on the first two but I have been asked by family members to look at autopsy reports to try to ascertain whether foul play could have been involved. That's as far as it goes. Yes, autopsy reports are public records. But in the tragic circumstances in Riverton, both the federal jurisdiction and the age of the children may require different handling - and the matter may fall under different laws. I care so little about access to those autopsy reports that I won't even ask the questions.

What possesses media representatives who are so indifferent to public misbehavior to now fight for access to such records? And why does the WT-E pursue a lawsuit against an insignificant difference of judgment on a decision already rendered and moved far beyond? When the participants (the losers, if you will) do not care that a meeting determining their fate was held in secret, should a local newspaper? If it were important, which the WT-E or WPA would never challenge, that would be different.

Protect your powder, fellas. There have been, and there will be, many more important issues on which to fight. Autopsy reports on children will never be among them. The FBI and BIA are on the scene.

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