

Domestic homicides do not occur in a vacuum

by Amy Arcand, Executive Director

Proper handling of domestic violence cases is homicide prevention.
Michigan District Court Judge Elizabeth Pollard Hines

Scott Allen Youngmark, 41, was charged in December with first degree intentional homicide for the murder of Kari Roberts in Polk County, Wisconsin. On December 1, Roberts was found dead in the apartment she shared with Youngmark. A medical examiner listed homicidal violence as the preliminary cause of death. Local news sources reported that Youngmark told his mother, "I think I killed her," shortly before an anonymous 911 call was placed from his mother's home.

This case was brought to our attention by an advocate from a Wisconsin domestic violence service agency who had read WATCH's 2009 chronology of Youngmark's violent criminal record in Minnesota.¹ WATCH chronologies document the criminal histories of defendants with long records of sexual and domestic violence who, for the most part, have gone unchecked by the criminal justice system. WATCH is able to identify troubling cases and trends because our volunteers spend over 4,000 hours each year in Hennepin County courts observing cases involving violence against women and children. In Youngmark's case, we documented 39 criminal cases over 23 years – 20 of which resulted in a total of 69 charges. His violence extended to 18

victims, including acquaintances, family members, and intimate partners.

Since the publication of the WATCH report, Youngmark moved to Wisconsin where he continued to assault and threaten people. Court records show that Youngmark was charged in 2011 with battery, disorderly conduct, injury by negligent use of a weapon, and 2nd degree reckless endangering of safety. In 2012 he was charged with three counts of felony intimidation of a witness. All charges were dismissed except the charge of 2nd degree reckless endangering of safety. On December 1, the day Roberts' body was found, and four days before he was scheduled to reappear in court, Youngmark was out of jail pending felony charges for bail jumping.

When this murder was committed, I had been executive director of WATCH for only a month. When I heard that Youngmark was the suspect, I wondered, "Do WATCH's offender chronologies profile potential killers?" And, I couldn't help but observe that, with a history of violence as significant as Youngmark's, should anyone who is aware of his history be surprised that he is the suspect in a domestic homicide?

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What's new

Board welcomes

With this issue of the WATCH Post, we welcome two board members to WATCH.

Ana Mary Oakes joined the board in November. Prior to moving to Minneapolis last fall, Ana was a family court referee in the New York City Family Courts. In that capacity, she regularly heard cases involving domestic violence and participated in developing new strategies and programs to improve access to the courts. She previously had worked as a supervising attorney at New York's Children's Law Center, where she represented children and families, trained and assessed other attorneys, and planned for expansion of the office and client services and for the organization's financial growth.

Ana has been familiar with WATCH's work since 2009, and we are happy she is in Minneapolis and has volunteered her services to the board. Welcome, Ana!

In January, WATCH voted in Joan C. Peterson as its newest board member. Before taking her current position as in-house counsel with Century Link, Joan served as both a defense and prosecuting attorney. Joan has also served on the board of directors of

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¹ WATCH Post, Spring 2009 at <http://www.watchmn.org/newsletter>.

Case summaries

EUGENE EDWARD PERRYMAN

Eugene Edward Perryman, 48, was charged with felony domestic assault by strangulation and felony second degree assault for assaulting a woman he was dating and then strangling her until she lost consciousness. When police arrived, they heard sounds of an assault and the defendant say, "You will bow down to me." Upon entering, officers found the victim bent over a bed, unconscious. The injuries to her face left a pool of blood where her face had been.

Perryman pled guilty to a reduced gross misdemeanor domestic assault by strangulation, and the felony second degree assault charge was dismissed. Judge Luis Bartolomei said this was one of the most disturbing cases he has ever seen, noting that the victim appeared to be dead when police arrived.

He sentenced Perryman to 365 days stayed for two years with credit for 121 days, a downward departure from sentencing guidelines with the rationale that he accepted responsibility for his actions when he changed his mind from requesting a trial to pleading guilty. His probation conditions include: no contact with the victim; domestic abuse counseling; random testing; no firearm possession; maintain employment; and supply a DNA sample. Daniel Homstad was the prosecutor, and Sarah Walter was the defense attorney.

ALBERT J. WELTON, III

Albert J. Welton, III, 51, was charged with two counts of felony first degree criminal sexual conduct for sexually assaulting a woman who accepted his offer of a ride. According to the criminal complaint, Welton parked in an alley and began hitting her repeatedly, then pulled her into the backseat of the car and raped her. The victim was able to later escape when Welton stopped at an intersection.

Following trial, a jury found Welton guilty of both counts of felony first degree criminal sexual conduct. At the sentencing, Judge Tamara Garcia emphasized how heinous the crime was, noting that the defendant was HIV positive and did not use a condom during the assault. She sentenced Welton to 360 months in prison with credit for 175 days served. At the time of the assault, Welton was a registered predatory offender, the result of a prior conviction for aggravated sexual assault and he has two additional felony first degree criminal sexual conduct cases pending. Daniel Allard was the prosecutor, and Julius Nolen was the defense attorney.

DOUGLAS CARL MANNEY

Douglas Carl Manney, 52, was charged with felony second degree intentional murder for the death of his girlfriend. According to the criminal complaint, Manney called the victim's sister and told her he had found the victim

unconscious and was leaving the home. She in turn called 911. The victim was deceased when officers arrived. Further investigation revealed the victim called 911 the night before, but Manney told responding officers the victim had attacked him. He agreed to leave for the night, and officers brought him to a hotel. Investigators discovered Manney returned to the apartment the following morning, prior to calling the victim's sister. An autopsy showed the victim had multiple external injuries as well as fractures in her neck consistent with strangulation.

A jury convicted Manney of felony second degree unintentional murder and acquitted him of felony second degree intentional murder. At sentencing, the victim's family and friends provided victim impact statements about the defendant's history of violence and victim blaming, and his lack of remorse. Judge Marilyn Kaman emphasized the seriousness of the offense and expressed frustration with the defendant's failure to take responsibility. She sentenced Manney to 198 months in prison, the maximum under sentencing guidelines, with credit for 549 days. The prosecutor was Judith Hawley, and the defense attorney was Frederick Goetz.

RUSSELL ERICSSON BELL

Russell Ericsson Bell, 36, was charged with two counts of felony second degree assault for threatening his estranged wife and her boyfriend with a gun. Upon forcing his way into a home where the two victims were located, Bell pointed a revolver at the male victim, pulled back the hammer, and threatened to kill him. When the female victim ran to a bathroom, Bell followed. He pushed her into the bathtub, pointed the gun in her face, and told her he would kill her. Police recovered a revolver with the hammer pulled back in a trash can outside of the residence near where the defendant was apprehended. At the first appearance the defense attorney noted that Bell was a veteran, having served two tours in Iraq. At a later hearing, the victim indicated she believed he was suffering from post-traumatic stress disorder (PTSD).

Bell pled guilty to both counts of second degree assault, with one count reduced to a gross misdemeanor. Judge Laurie Miller sentenced him to 36 months in prison stayed for three years on the felony count, and 365 days in the workhouse with credit for 13 days on the gross misdemeanor count. The sentences are to run concurrently. His extensive conditions of probation include: no contact with the victim except through family court; domestic abuse counseling; chemical evaluation; complete treatment for PTSD; do not possess firearms; take all prescribed medications; and supply a DNA sample. The prosecutor was Stuart Shapiro, and the defense attorney was Maria Mitchell.

Volunteer notes

- ✓ The defense attorney in domestic violence court was very rushed and used a lot of legal jargon when explaining charges to defendants. I feel like time should be taken to explain procedures in a way that makes sense to a "non-lawyer."
- ✓ I was waiting for a hearing to begin, and no one else was in the courtroom except for me and the defendant's family members. The hearing did not start at the scheduled time, so they were discussing among themselves whether they were in the right place.
- ✓ The judge was consistently respectful and clear with the defendants, at one point saying, "You're the most important person in this courtroom right now so it's important you understand what is going on."
- ✓ The courtroom was out of control. Before and during hearings, the attorneys were talking loudly, and cell phones were going off. In the gallery, people were eating food, drinking, and chewing ice and gum. One woman had her feet up on the bench in front of her.
- ✓ At times, it seemed the court interpreter in order for protection court summarized or changed the petitioner's statements or mistranslated. For example, the petitioner would speak three sentences, but the interpreter would say only three words. At one point, the judge said "public space," but the interpreter said "police station."
- ✓ A defendant in domestic violence court had her young child with her. When the defendant's case was heard, the unattended child ran around the gallery and through the swinging doors to be with her mother. Having something set up at court for child care might be beneficial for everyone: the court, defendants, and victims alike.
- ✓ In her closing argument for a first degree criminal sexual conduct case, the defense attorney said, "Men have rights, too. They have a right not to be turned on and then turned off."
- ✓ Before court started, the victim advocates in domestic violence court chatted loudly in the courtroom about non-professional topics.
- ✓ An in-custody defendant was brought to the courtroom for his hearing, but returned to jail when there was a delay. When the delay was resolved, everyone had to wait over an hour for a bailiff to return the defendant to the courtroom. An attorney later commented that one of the main reasons for the long waits in Hennepin County is the "bailiff situation," i.e., not enough bailiffs to ensure that defendants get to the courtroom on time.
- ✓ In domestic violence court the judge did not accept a plea agreement for a defendant charged with stalking and violations of a no contact order, stating he needed more time and information because he was concerned for the victim's safety.

Thumbs up/thumbs down

👍 Thumbs up to Laura Williams of Orlando, Florida, for her outstanding work to hold violent offenders accountable and to provide safety for women and children. Laura founded CourtWatch Florida in 2006, and for the past five years, has been an active member of WATCH's National Association of Court Monitoring Programs. Health problems and funding constraints unfortunately led to the organization closing its doors in December, but Laura will not be deterred. With others, she is founding Abuse Intervention Monitoring (AIM) dedicated to ensuring Batterer's Intervention Programs comply with state law and guidelines and that judges refer domestic abusers only to those programs that meet state standards.

👎 Thumbs down to Republican leadership in the US House of Representatives for allowing the Violence Against Women Act to expire on December 31st. This landmark legislation, first passed in 1994, has historically garnered strong bipartisan support. While several Republicans broke with party leadership to support a comprehensive bill, it was not brought to the floor for a vote before Congress adjourned. A key issue leading to the stalemate was opposition to Senate provisions which would give Tribal Courts jurisdiction to address violence against American Indian women committed on reservation land by non-Indians. Senate leaders re-introduced the bill at the start of the 2013 session and we urge Congress to pass a comprehensive bill immediately.

👍 Thumbs up to the Hennepin County Family Violence Coordinating Council (FVCC) for prioritizing the suburban courts in their 2013 strategic plan. The plan includes establishing best practices for domestic violence cases in the three suburban courts. WATCH published its suburban court report and recommendations in 2011, and looks forward to working with the FVCC as it takes this important step forward.

GET INVOLVED--VOLUNTEER!

If you want to learn more about the court system, are passionate about ending violence against women and children, or have simply decided that it's time to get more involved, consider becoming a WATCH volunteer. WATCH is a volunteer-based organization. Our court monitors provide a consistent public presence in Hennepin County courtrooms and monitor cases of domestic violence, sexual assault, and child abuse and neglect. Monitors and WATCH staff help the criminal justice system by identifying flaws, recommending solutions, and advocating for change.

Check our website for updates, www.watchmn.org or contact Volunteer Coordinator Mandy at 612-341-2747, x 6 or miverson@watchmn.org for more information.

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We are deeply honored to receive financial support from individual community members, some supporting us for the first time this year, and others who have been loyal donors for years, some since our inception. We continue to be prudent stewards of your donations, keeping costs low while focusing on our mission.

If you would like to make a donation, you may use the envelope in this newsletter or go online at www.watchmn.org and click on the Donate Now button. Please call the office at 612-341-2747 with any questions. We do our best to ensure this listing is accurate, but please let us know of any corrections that should be made. Please know how much we appreciate your support and accept our apology for any errors.

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Domestic homicides do not occur in a vacuum

Continued from page 1

In truth, there is never any one thing that can predict or prevent homicide. But if WATCH chronologies can be indicative of potential killers, what else can they tell us that can be of use? Youngmark's chronology highlights at least three areas where the justice system can improve its response to domestic violence.

1. For defendants with histories of sexual and domestic violence, complete information about past cases should be readily available to judges and prosecutors, both within and across jurisdictions.

Such histories should include cases that do not lead to criminal charges and the reasons that charges were not pursued. Cases of sexual and domestic violence are rarely isolated incidents, making it imperative that the bench fully understands and is better able to assess the level of violence and danger in each case.

WATCH's chronology documented cases in Hennepin, Anoka, Ramsey, and Todd counties. After the murder, WATCH's chronology was widely circulated among law enforcement and local media in Wisconsin, but we don't know what, if any, information the Wisconsin courts had on Youngmark's history in Minnesota before it occurred.

2. Especially in cases of defendants with long histories of violence, judges should take into account defendants' prior compliance with court orders when issuing their sentences.

When Youngmark was convicted and judges ordered him to jail or prison, they most often stayed the sentence (meaning he did not serve time behind bars) and placed him on probation, which he freely violated. The justice system must penalize violent defendants who ignore court orders, otherwise, probationary sentences are pointless. And, when defendants violate *no contact* orders with impunity, where can victims turn for safety?

3. Prosecutors should develop more ways to prosecute cases when victims and witnesses are unable or unwilling to talk to police or testify in court.

Research shows that a victim's credibility and probable participation at trial influence most decisions to proceed. If a victim is too frightened to testify, cases are often dismissed.

By threatening victims and witnesses not to cooperate with law enforcement and prosecutors, Youngmark was able to avoid charges in 19 of the 39 cases WATCH documented. Sadly, rather than the severity of violence leading to more sanctions, the opposite occurred.

WATCH has published 36 chronologies in our 20-year history that document increasing levels of violence and highlight gaps within the system. Youngmark's case reminds us of a stark reality: if we do not take the utmost care with each and every case of domestic violence, the price could be a human life.

What's new

Continued from page 1

the Domestic Abuse Project, a Minneapolis organization providing legal advocacy and support to victims and batterer intervention programming to perpetrators of domestic violence. Joan previously served two terms on WATCH's board, including on the governance and communications committees as well as board secretary. Welcome back, Joan!

Board farewells

Three board members fulfilled their terms and rotated off the board in December.

Beverly Balos completed two three-year terms on the board. Professor Emeritus at the University of Minnesota Law School and author of Minnesota's Domestic Abuse Act, Bev brought invaluable legal and programmatic expertise to WATCH. She served on the governance committee, was involved with strategic planning, and assisted with the recent executive director search. Her droll sense of humor lightened up many discussions, and we will miss her incisive analyses. Since retiring from the U last fall, she is taking the opportunity to travel and teach at law schools in other states.

Jennifer Johnson has been a volunteer court monitor with WATCH since its founding. She joined the board of directors in 2009, and served one three-year term, including one year as board secretary. Jennifer brought extensive knowledge of WATCH's day to day monitoring to board discussions, as well as long experience with other community organizations of which she is a part. Jennifer is hard-working, reliable, and full of enthusiasm for our mission. Lucky for us, while she will no longer serve on the board, she will continue to monitor court every month.

Sara Mushlitz served multiple terms on the board, including as its chair and treasurer. Over the years, she served on almost every committee, including finance, development, strategic planning, personnel, executive, governance, and event planning. She brought crucial leadership and institutional memory during leadership transitions, was always available to review and sign documents and provide strategic advice, and has no doubt read more IRS 990s than anyone else! Besides a high degree of integrity and commitment to WATCH's mission, Sara brought level-headed pragmatism, extensive experience in finance, and a deep knowledge of WATCH's programs.

We are eternally grateful to these wonderful women for their dedication and look forward to seeing them all at future WATCH events.

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WATCH is beyond lucky to have such a committed group of volunteers. When we look back on the year, all of our accomplishments were made possible because these committed individuals gave nearly 4,000 hours to monitor over 4,000 court hearings. They are an inspiring and integral part of improving the court's response to violence against women and children, and we thank them all.

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Emily Eklund
Becki Emerfoll

Gail Emerson
Justin Emry
Jalen Even
Tana Flaten
Ann Goddard
Megan Halena
Liz Halet
Christine Hart
Susan Hartman
Elizabeth Hayes
Bobbi Hermanson-Albers
Nicholas Herschlip
Heidi Hoff
Chelsea Holub
Hailey Houge
Janel Houston
Libby Humphreys
Elise Jefferson
Jennifer Johnson
Atong Jok
Dustin Jones
Jade Jorgenson
Kara Josephson
Kate Kelly
Terry Kramer
Abigail Lambert
Kari Jo Langum

Leigha Lattner
Noragene Lewis
Matthew Luc
Janet Luo
Anna Mazig
Laura McCabe
Mary Miller
Blair Mills
Asiangel Moua
Owen Murphy
Mary Kay Murray
Claudia Nelimark
Rebecca Newgren
Korinne O'Connor
Aimee Page
Jill Parrott
Jill Peacock
Lauren Pietrek
Rebecca Pinski
Jessica Plotz
Mardell Presler
Jenny Pringle
Amanda Pulse
Brynn Reichow
Makenna Rhodes
Nicole Riederer
Susan Rivard

Michelle Riveros
Danielle Root
Ellen Sackrisson
Jan Sautter
Denise Scharlemann
Sarah Schmidt
Mary Lay Schuster
Kristen Schutt
Aisha Servaty
Lisa Skopek
Melissa Staudinger
Kyle Swatfager
Valerie Thompson
Thanh Tranduong
Becca Tumm
Alison Tweddell
Sara Vakulskas
Russell VanHeel
Molly Vo
Becca Wayerski
Janet Woolman
Cha Xiong
Ka Zoua Xiong
Vicky Yu
Yeli Zhou