

Chronology of an offender: Chad Layne Pieper

Introduction

WATCH publishes defendant chronologies in an effort to showcase how the courts deal with violent crimes including domestic assault. These crimes have a history of being ignored (until 40 years ago, they were considered private, family matters of no concern to the state) or minimized (as when police would routinely suggest a man who had assaulted his wife “take a walk around the block to cool down” rather than arrest him). While laws and attitudes have greatly improved, we can still see evidence of the tendency to treat these crimes less seriously than others.

This tendency is revealed in the following summary, where in less than four months the defendant, Chad Layne Pieper, committed violent assaults against three people. While on probation for these crimes he repeatedly violated court orders, including not paying restitution, not complying with court-ordered treatment, and committing more assaults. In spite of his disregard for the law, three assault charges, including two against his girlfriend, were dropped in exchange for pleading guilty to disorderly conduct. Since disorderly conduct convictions are not “enhanceable” offenses, future domestic assaults cannot be charged at a higher level. In addition, a defendant’s criminal record does not show the true extent of his history of domestic violence.

In two cases he pleaded guilty to both charges—disorderly conduct and assault—but both times judges stayed adjudication of the sentence for the assault charge, meaning Pieper has no

conviction on his record for those crimes. With a stay of adjudication, a judge can reinstate a sentence at a later date if a defendant violates court orders. But Pieper escaped this consequence, even though he violated court orders multiple times, including contacting the victim and committing additional assaults.

The public record shows that between June 2009 and July 2010 Chad Layne Pieper, 33, faced a total of nine misdemeanor charges in four separate cases involving assaults against his girlfriend, an acquaintance, and his girlfriend’s former boyfriend.

Case 1: Disorderly conduct (misdemeanor) and fifth degree assault (misdemeanor)

6/4/09 Plymouth police report: Officers responded to a call about a domestic assault and attempted suicide. Two witnesses reported seeing Pieper slap his girlfriend, Victim A, across the face and threaten her and one of the witnesses, saying that if he made it through [the night] he was going to come back and kill them. Pieper was arrested at the scene.

6/26/09 Outcome Case 1: Pieper pleaded guilty to disorderly conduct (misdemeanor), and the fifth degree assault charge was dismissed. Judge Thomas Sipkins sentenced him to 90 days in the workhouse with 88 days stayed for one year and credit for two days served. Probation conditions included: attend anger management, follow all instructions of probation,

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What’s new

WATCH bid a fond, but sad farewell to staff member Anna Light in August. Anna applied for an internship to WATCH in 2007. She excelled in that role, quickly picking up on what is important to note during monitoring, and helping prepare and accompany new monitors to court. We were thrilled when she applied for the volunteer coordinator position approximately 6 months later. Anna was a warm, competent presence in the office, with talents ranging from excellent writing skills to ways to make volunteers feel welcomed and appreciated. She left WATCH to attend William Mitchell college of Law.

As the newsletter goes to print, we are also saying goodbye to Sarah Coulter, Court Monitoring Coordinator at WATCH for the past three and a half years. In addition to coordinating daily court calendars and tracking important defendant information, Sarah conducted WATCH’s most recent study of Child Protection court. She was also active outside the office, participating in the women of color network of the statewide battered women’s coalition, serving on

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Safety or baby food, a choice no parent should have to make

by Marna Anderson

Recently, a WATCH monitor returned from a sentencing at the Hennepin County Government Center. The defendant was charged with strangling his girlfriend with whom he has two children. The victim requested that she be allowed to have contact with the defendant because she needs his financial support. She stated that, "One can of formula costs more than I make in an hour." In another domestic violence case, a woman requested that her order for protection be dismissed because she could not manage the increased cost of driving her child three times a week to meet with the father or pay for additional child care without him in the home. This is not a choice anyone should have to make.

Scenarios like these are played out in courtrooms all across our state and country. Battered women are sacrificing their safety so their children have food on the table or a roof over their heads.

The increase in Minnesota's unemployment rate and the number of people living in poverty means more people are seeking help from food shelves, losing their homes to foreclosure, or moving in with friends and family. The instability in the economy and the stress it causes takes its toll on families, as everyone knows, and it should come as no surprise that incidents of domestic violence also increase. While an economic downturn and financial worries do not *cause* domestic violence, they exacerbate the factors that contribute to it and reduce victims' ability to flee.¹

Statistics are bearing this out. Nationally and locally, shelters have experienced an increase in women seeking services since September 2008. According to a survey by the Mary Kay Foundation, our region, the Midwest, ranks second in the country for increased need for services—a staggering 74 percent increase in the past three years. To make matters worse, government budget deficits have resulted in cuts to shelter and other services that battered women and families desperately need.

As mentioned elsewhere in this newsletter, it was reported in the New York Times earlier this month that the city of Topeka, Kansas, decriminalized domestic violence because neither the city nor district attorney's office had the funds to prosecute misdemeanor cases. After much outcry, the DA's office did resume prosecution, but in the meantime, at least 30 domestic abuse suspects had charges against them dropped during the debate about who would take on the financial burden. That represents at least 30 domestic violence victims who were denied legal protection.

In Minnesota, services for victims of domestic violence were deemed "essential" by Special Investigator Kathleen Blatz during the state's government shutdown, and all violent crimes were ranked high priority during the 2011 legislative session when the legislature considered significant funding cuts to court services. That the political will in Minnesota exists to ensure that our criminal justice system is addressing cases of domestic violence is good news. However, that does not change the fact that many battered women cannot seek their own safety due to financial constraints. When we don't respond to the social and economic constraints women face, we put them in an impossible situation and make it difficult to take advantage of the legal gains we have fought so hard to achieve.

And, the consequences are not only the obvious, immediate ones. Long-term consequences exist as well, particularly when children are in the picture. Research shows that children who witness domestic violence are more likely than their peers to suffer depression, chemical dependency, and anxiety, and boys who witness domestic violence are at greater risk of becoming abusers. Again, failing to attend to the social and economic needs of families means that the struggle to end domestic violence will always be that—a struggle.

So, the next time you hear someone say he or she doesn't understand why women stay in abusive relationships, tell them the stories of the women (representing hundreds more) who traded their own safety for baby food and gas money. In our community. Here, at the Hennepin County Government Center. And then let's work together so families can be safe in their homes *and* have food on their tables.

GIVE TO THE MAX TO WATCH

Please mark your calendar for November 16, 2011, and go online to <http://givemn.razoo.com/story/Watch-9>. If you make a gift or pledge between 8 am and midnight that day, WATCH will not only receive your generous donation but will be eligible for one of 16 \$1,000 grants—one awarded every hour throughout the day.

Your gift helps WATCH keep trained monitors in court. Donating online is quick, easy, and makes us eligible for even more funding! Please help support our work to ensure greater safety for women and children. THANK YOU.

¹ National Coalition Against Domestic Violence Fact Sheet

What's new

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the Citizen's Review Panel on child protection, and facilitating discussions about race at the YWCA's annual *It's Time to Talk* event. Best wishes to both Sarah and Anna as they go on to pursue new paths.

Two board members ended their tenure with WATCH in October. Nick Brown joined the board two years ago, and remains a WATCH supporter, but his employer's demands for frequent out-of-state travel prevent him from participating at the board level. Thank you for your time, Nick, and we plan on seeing you at WATCH events and keeping in touch through your wife Wendy, who volunteers as a court monitor.

Rosario de la Torre also served on the board for a short time, joining us last year. As shelter manager for the Casa de Esperanza shelter in St Paul, Rosario brought extensive experience with domestic violence and community connections to her role on the board. She left the board this month as demands on her time and energy at the shelter increased dramatically with continued pressure on both women victims of violence and service providers in the struggling economy. Thank you, Rosario, for your time with WATCH and dedication to helping women achieve safety from abuse.


We are excited to welcome three new board members to WATCH this fall. Mary Grace Flannery has been volunteering with WATCH since 2009. While at the Minneapolis Housing agency in the 1970s she helped secure federal housing funds to open the first shelter for battered women in Minneapolis, then called the Harriet Tubman Center. Since then, she has


served in management positions and as an organization consultant to numerous non-profits, most frequently in the area of community development. Mary Grace was a consultant to WATCH during our child protection project (completed in 2010), helping us navigate the complex world of subsidized housing.

Larissa Griffin-Sponsler is the Resource Coordinator at the Battered Women's Justice Project (BWJP), where she provides technical and strategic assistance to criminal justice professionals and battered women who contact the Project via a national toll-free number. Larissa has worked for over 12 years as an advocate for victims of domestic violence, sexual assault, and sexual exploitation. We're thrilled to have Larissa bring her extensive experience working with victims of violence to enhance WATCH's mission.


Sarah Kniskern Aughenbaugh came to WATCH through the Management Assistance Project's Best on Board program, which matches interested community members with nonprofit organizations. Sarah works for the Minnesota Department of Human Services managing the U.S. Department of Agriculture's Supplemental Nutrition grant program in Minnesota. While living in New York, Sarah worked extensively with organizations serving immigrant and refugee communities, with an emphasis on refugee resettlement and employment. She has a masters degree in public policy with a focus on nonprofit management from the Humphrey School of Public Affairs.

Thumbs up/thumbs down

 Thumbs up to a national effort with leadership from Minnesota to increase safety for American Indian women. Indian women experience the highest rates of sexual and domestic violence, yet complex jurisdictional issues contribute to an extremely low level of prosecutions against their abusers. Senator Al Franken is leading an effort in the U.S. House of Representatives to clarify jurisdictional authority between tribes and the federal government in both criminal and civil matters. Specifically, he has joined Indian activists and Justice Department personnel in working to propose changes to the federal criminal code, which currently has lower sanctions for domestic abuse than most state codes. Additionally, the bill should lead to greater enforcement of civil protection orders. Minnesota Indian women activists Sarah Deer and Sherry Sanchez-Tibbets presented compelling testimony before Congress in support of this effort.

 Thumbs down to the City of Topeka and Shawnee County, Kansas, for recently turning their backs on the lives and safety of battered women during recent budget skirmishes. The city

repealed its ordinance against domestic violence, claiming to do it to protest the county's decision to no longer prosecute misdemeanor crimes that occur in the city. While these government agencies bickered over funds, cases of violence against more than 30 women went unprosecuted. Any one of these crimes could have escalated, and every batterer was being sent the message that they could abuse women with impunity in Topeka.

 Thumbs up to the attorneys who represented the family of Minnesotan Teri Lee in their successful suit against the ADT security company. In an out of court settlement, the company agreed to provide a significant (but undisclosed) sum of money to provide for Teri's four children. The children are being raised by an aunt and uncle after their mother was murdered by an ex-boyfriend in 2006. Lee had installed an ADT security system, but her killer was able to get all the way through her home and into her bedroom, where he murdered her and her companion, without the alarm system responding.

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attend a treatment program and keep the court and his attorney informed of his current address. The criminal no contact order was lifted. The prosecutor was Elliott Knetsch, and the defense attorney was Ryan Garry.

Case 2: Fifth degree assault (misdemeanor) and disorderly conduct (misdemeanor)

7/7/09 Plymouth police report: Victim B told officers that during a conversation about Pieper's girlfriend, Pieper yelled, "choked," and punched him. Police photos showed the victim's injuries included red marks on his neck, throat and chest and a swollen eye and nose.

7/8/09 Warrant order Case 1: This assault put Pieper in violation of his probation, and a warrant was issued for his arrest.

Case 3: Disorderly conduct (misdemeanor), fifth degree assault (misdemeanor) and fifth degree domestic assault (misdemeanor)

9/3/09 New Hope police report: Victim C (who formerly dated Victim A) fled to the police department after he was assaulted by Pieper. He told police he was at Victim A's home visiting their son. Pieper punched him in the face, and when he fell to the ground, Pieper continued to hit and kick him in the head. Police photographed Victim C's injuries, and he was taken by ambulance to a hospital. Officers later spoke with Victim A, who reported that when she asked Pieper about Victim C he pushed her into the wall, scraping her back and right arm. She also told officers she had an order for protection against Pieper.

9/4/09 A&D order Case 1: Pieper violated his probation for Case 1 by committing these assaults. Judge Jeannice Reding signed an order for Judge Sipkins that Pieper be arrested and held without bail.

9/10/09 First appearance Case 3: Judge Jack Nordby set bail at \$12,000 with the following conditions: no contact with the victim and make all future court appearances. Pieper posted bail and was released.

10/15/09 Outcome Case 3: Pieper pleaded guilty to disorderly conduct (misdemeanor) and one count of fifth degree assault (misdemeanor). Judge Bruce Peterson sentenced him to 90 days in the workhouse on the disorderly conduct charge, with 60 days stayed for one year and credit for 30 days served. Judge Peterson stayed adjudication of the sentence on the charge of fifth degree assault. Pieper was placed on probation to the court (meaning there is no probation officer supervising him) with the following conditions: remain law abiding and pay restitution. Amanda Furth was the prosecutor and Ryan Garry with the defense attorney.

10/30/09 Probation violation hearing Case 1: Pieper admitted to violating his probation and Judge Reding revoked 30 days of his probation and granted him a furlough to attend treatment.

11/18/09 Update Case 1: Pieper failed to comply with treatment recommendations.

12/11/09 Probation violation hearing Case 1: Pieper admitted to violating his probation and Judge Daniel Moreno amended his sentence to 58 days in the workhouse with credit for one day served.

2/11/10 Outcome Case 2: Pieper pleaded guilty to disorderly conduct (misdemeanor), and the fifth degree assault charge was dismissed. Judge Ann Alton sentenced him to 90 days in the workhouse with credit for 90 days served. The prosecutor was Elliott Knetsch and Pieper appeared *pro se*.

Case 4: Domestic assault (misdemeanor) and disorderly conduct (misdemeanor)

7/4/10 Plymouth police report: Officers were called to a domestic assault. Victim A reported to officers that her fiancée, Pieper, yelled at her and pushed her to the ground, scraping her nose, lip and under her eye. Three witnesses were interviewed at the scene and confirmed seeing Pieper throw the victim to the ground and threaten her. Pieper was arrested.

9/17/10 Pretrial Case 4: Judge Charles Porter released Pieper with the condition he remain law abiding and have no contact with the victim.

11/12/10 Outcome Case 4: Pieper pleaded guilty to the domestic assault (misdemeanor) and disorderly conduct (misdemeanor). Judge Porter sentenced him to 90 days in the workhouse on the disorderly conduct charge, with 88 days stayed for one year and credit for two days served. He stayed adjudication of the sentence on the domestic assault. Pieper was placed on supervised probation with extensive conditions, including: chemical dependency evaluation/treatment, anger management, remain law abiding, comply with geographic restrictions to the victim's residence, no alcohol/controlled substance use, random drug testing, domestic abuse counseling/treatment. The no contact order was modified to allow contact with the victim but not the victim's son. Elliot Knetsch was the prosecutor, and Ryan Garry was the defense attorney.

12/13/10 First A&D order Case 4: Pieper was charged with felony fleeing a peace officer and felony DWI (**Case 5**). Because he was in violation of his probation for Case 4, Judge Robiner signed an order for Judge Porter that Pieper be arrested and held without bail.

12/17/10 Update Case 4: Judge Ronald Abrams released Pieper and ordered him to complete a chemical dependency assessment.

2/11/11 *Second A&D order Case 4*: Pieper was again out of compliance with court orders. Judge Gina Brandt signed an order for Judge Porter that Pieper be arrested and held without bail.

2/17/11 *Probation violation hearing Case 4*: Judge Robert Small released Pieper with the conditions that he have no contact with the victims of his crimes and remain law abiding.

9/7/11 *Outcome Case 5 and probation violation hearing Case 4*: **Pieper pleaded guilty to fleeing a peace officer (felony) and DWI (felony)**. Judge Small sentenced him to 365 days in the workhouse for fleeing a peace officer and 46 months in prison for the DWI, to be served concurrently. He was given credit for 12 days served and ordered to supply a DNA sample. Pieper also admitted to violating his probation in Case 4 and his sentence for domestic assault (misdemeanor) was reinstated. For that case he was sentenced to 13 days in the workhouse with credit for 13 days served, the domestic abuse no contact was cancelled and he was discharged from probation. Daniel Allard was the prosecutor, and Ryan Garry was the defense attorney.

Conclusion

Pieper was eventually convicted of two felonies, fleeing a peace officer and DWI, and ordered to serve time in prison. But for his violent assaults—four reported incidents involving three victims within a 13-month period—Pieper received few consequences. He received stayed sentences (meaning he did not have to serve the full sentence) from six judges, and was repeatedly released from custody and placed on probation, even as he continued to violate court orders.

The pattern of violence demonstrated by Pieper represents just one of many cases witnessed by WATCH monitors. A public eye on the courtroom provides the opportunity to shine a light on these cases and remind us that more needs to be done to hold violence abusers accountable.

CORRECTION

The Summer 2011 *WATCH Post* contained a case summary involving Christopher Lee Tate. The summary erroneously described Tate's sentence of life in prison as an upward departure from Minnesota's sentencing guidelines. The state legislature established sentencing guidelines to promote greater consistency among judges for sentences involving similar crimes. If a judge departs from the guidelines, he or she is expected to provide a legal reason for doing so.

However, in the Tate case, the sentence of life in prison was not an upward departure. It was the result of the Hennepin County Attorney's Office's use of a 2005 statute dealing with repeat sex offenders to charge the crime. The statute allows the state to bring a criminal sexual conduct case to a grand jury, and if indicted, the presumptive sentence is life in prison.

This is what occurred in the Tate case. WATCH apologizes for the error.

Volunteer profile

On a daily basis, WATCH volunteers are visible in court with their red clipboards. Here is a snapshot to give you a closer look at one person who regularly dedicates his time to monitoring the courts.



Russ pictured here at the 2011 Volunteer Appreciation party.

Russ VanHeel began volunteering with WATCH in August 2009. Since that time, Russ has donated 300 hours, far exceeding the minimum requirement of four hours per month. In September, we honored Russ as WATCH's 2011 Volunteer of the Year.

Russ was unemployed and had recently survived an abusive relationship when he came upon a volunteer opening at WATCH while searching a local nonprofit website for jobs. This was his first volunteer experience.

Russ says volunteering with WATCH provided him "a bigger picture to focus on that deflated all the problems I was struggling with personally. Although I was reaching out and getting help from other avenues, such as therapy, support groups, and writers groups, volunteering for WATCH escalated the healing process and proved to be a considerably more effective tool because I was out there doing something that I knew mattered and was very important." Russ adds that he "immediately became very passionate and committed to this cause," a sentiment he knows he will never lose.

When he is not volunteering, Russ works at REM Minnesota, where he provides for, teaches, and promotes independence for four developmentally disabled adults in their place of residence. In his free time, Russ likes to spend time with his two daughters and twin grandsons, Jack and Jude.

Russ is also the author of two books, *Life in Purgatory* and *Residue and Ashes*. Both are collections of short stories inspired by his journey of healing following abuse. Russ is currently working on a third book, which will include more of his poetry. He says his greatest inspiration is Bob Dylan.

Case summaries

This column includes a sampling of the cases WATCH volunteers have monitored in recent months.

TROY LAMONT CLAY and JACQUELYN WANDA WILLIAMS

Clay, 39, and his girlfriend, Williams, 32, were charged with first degree assault, third degree assault, and malicious punishment of a child for abusing Williams's six-year-old son.

Statements given to police by the victim's mother and 10-year-old brother confirmed that Williams asked Clay to discipline the six year-ld for misbehaving at school. In response, Clay tied the child's arms together with a phone cord and repeatedly beat him with an extension cord.

The victim was admitted to the hospital for overnight observation. An emergency room pediatrician documented extensive injuries to the child's back and arm, as well as internal injuries.

Williams pleaded guilty to third degree assault, and the other two charges were dismissed. Judge John Stanoch stayed the imposition of her sentence and placed her on supervised probation for three years with extensive conditions, including anger management, psychological evaluation/treatment, parenting classes, and no contact with the victim unless permitted by the family court judge. The prosecutor was Deborah Russell, and the defense attorney was Justin Seurer.

Troy was convicted by a jury of third degree assault and malicious punishment of a child. Judge Susan Robiner sentenced him to 36 months in prison stayed for three years. He was placed on supervised probation with extensive conditions, including anger management or parenting classes, no contact with the victim or his brother, and no use or possession of weapons. The prosecutor was Deborah Russell, and Hersch Izek was the defense attorney.

In a related case, Hennepin County Child Protection Services moved Williams's sons to protective custody after police found extensive bruising on the older child and received reports that Clay had repeatedly beaten both children. The county subsequently moved to terminate Williams's parental rights to the children.

LAFARE NMN JOHNSON

Johnson, 57, was charged with felony third degree assault for assaulting his girlfriend. The victim told police that Johnson had punched, kicked, and stomped on her the previous day and would not allow her to leave her home. Witnesses saw Johnson push the victim down and kick her.

Johnson pleaded guilty, and Judge David Duffy sentenced him to 21 months in prison stayed for three years. He was ordered to serve 159 days in the workhouse with credit for 91 days served and placed on supervised probation with extensive

conditions, including complete programs for chemical dependency, anger management, and domestic abuse; have no contact with the victim; and do not use or possess weapons. The prosecutor was Stuart Shapiro, and the defense attorney was Juanita Kyle.

SHAWN MICHAEL KUTA

Kuta, 34, was charged with felony second degree criminal sexual conduct for sexually abusing the five-year-old daughter of a friend with whom he had been temporarily living. After her daughter told her that Kuta had put his hand inside her underwear and tickled (sic) her, the girl's mother called police. Further details of the abuse were revealed during the investigation, which included a forensic psychologist's interview with the victim.

Kuta pleaded guilty to an amended charge of fifth degree criminal sexual conduct, a gross misdemeanor. Judge Robert Small stayed imposition of his sentence and placed him on supervised probation for two years with the following conditions: 21 days in the workhouse with credit for 21 days served; chemical dependency evaluation/treatment; supply a DNA sample; no alcohol/controlled substance use; no contact with the victim or the victim's family; no unsupervised contact with minor females; complete sex offender treatment; psychological evaluation/treatment; register as a predatory offender; and remain law-abiding. Daniel Homstad was the prosecutor, and Cynthia McCollum was the defense attorney.

JAMES EDWARD REED (AKA CARL SHUMAN ANDERSON)

Reed, 32, was charged with second degree murder for killing an acquaintance. Officers were called to the Lakeland Hotel after the manager found the victim unresponsive in their hotel room. According to the criminal complaint, a guest in another room reported hearing a woman screaming and sounds of a fight. When the staff went to investigate, they mistakenly went to another room and found no disturbance. The autopsy revealed that the victim died from multiple cuts to her throat. Reed was later arrested in Chicago.

Reed was convicted by a jury, and Judge Small sentenced him to 480 months in prison with credit for 273 days already served. He was ordered to supply a DNA sample, pay restitution, and register as a predatory offender. Stuart Shapiro was the prosecutor, and David Connor was the defense attorney.

BECOME INVOLVED WITH WATCH

If you are interested in what goes on in court and want to make a difference on behalf of women and children who experience violence, become a volunteer court monitor with WATCH! We provide the training, and you donate four hours each month to monitor the courts. The winter training will be held in February. Contact Kate at 612-341-2747, x 2 or khovde@watchmn.org for more information. We would love to have you join us.

Volunteer notes

- ✓ The 24-year-old defendant pleaded guilty to felony second degree assault for stabbing his girlfriend and misdemeanor violation of a no contact order. At the hearing, his probation officer said, "It [committing the crime] isn't because he's violent, he's just immature."
- ✓ Today in domestic violence court, none of the attorneys could pronounce one defendant's name correctly and made him repeat it several times. To me, it came across as disrespectful.
- ✓ During a domestic assault hearing, the judge told the defendant that because he had already violated a no contact order issued by the court twice, he could not be trusted and would not be released from jail pending his trial.
- ✓ During a sentencing in an assault case, the judge told the repeat offender, "While in jail, think about what you've done to the victim. Looking at your age, I'm wondering why you haven't learned. You need to take responsibility for your actions. It is a good time to change. When you hurt others, you hurt yourself. Aren't you getting sick of this?"
- ✓ During a sentencing for a case involving assault and terroristic threats, the judge extended the no contact order for 17 months while the defendant is in prison. The defense attorney, who opposed the order, had stated, "The guy obviously can't strangle her while he's in jail."
- ✓ I was waiting in court for a hearing at the government center to begin and noticed the door to the judge's chamber open and unguarded for over an hour. A deputy came into the courtroom a few times, but this seemed like a security issue. I have never noticed this happening in any other courtroom.
- ✓ While describing court procedures to a Somali defendant who had an interpreter, the judge made sure to speak slowly, restate key concepts, and provide detailed information to ensure he understood everything that was going on.
- ✓ Seven people were in the gallery waiting for a case to begin. Two attorneys were discussing a case, including personal information about the defendant's finances and personal care needs, which everyone could hear. A third attorney came in briefly and made a comment about wanting to throttle someone.
- ✓ A woman was in family court asking the judge to dismiss the order for protection she had been granted. The judge expressed a lot of concern for her safety and talked with her at length, stating twice that she could amend the order for protection and not dismiss it completely.
- ✓ The judge in felony arraignments today told a defendant that if he didn't like being in jail, he shouldn't have had contact with his wife in violation of the court order.
- ✓ Before the sentencing for a third degree criminal sexual conduct case, attorneys for both sides were chatting and laughing together. Family members who were sitting in the gallery were distressed that the attorneys appeared to be taking the situation too lightly.
- ✓ During a hearing in a first degree criminal sexual conduct case involving an 18-year-old babysitter and younger child, the defense attorney tried to minimize the assault by saying the defendant acted inappropriately out of adolescent curiosity. He also said the defendant was babysitting against his will when the assault occurred.
- ✓ The defendant was being sentenced for several different charges. Everything happened so fast that I was unable to follow it and had to wonder if the defendant was able to understand everything.
- ✓ The prosecutor observed the defendant talking with the victim outside the courtroom in violation of the no contact order. The prosecutor asked the judge to have the defendant taken into custody, which she did.

THOUGHTS ON TIMELINESS

A WATCH monitor wrote the following observations about court delays recently, posing the question what would happen if the court knew the impact of its delays on the public?

I feel like the culture of lateness in court has become 'acceptable' because it's the norm. Even if people are back in the judge's chambers discussing a plea, why can't someone come out and update the courtroom/gallery? The victims have been through so much, and it feels disrespectful to leave them sitting in the dark. Sometimes, a case has been continued unbeknownst to the victims, who then end up wasting even more of their time waiting in the courtroom for the case to be heard. What if the court cared enough to ask people how this impacts them?

We at WATCH know timeliness is affected by many factors, particularly the calendaring system and budget cuts that leave justice system staff overburdened. We also know that some delays are unavoidable. We continue to report on this issue, though, because we believe a greater effort should be made to communicate with victims, defendants, family members, and others, providing them the information and respect they deserve.

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Honoring victim self identity

WATCH's mission is creating a more responsive justice system, one that makes the needs and safety of victims its top priority and acknowledges the unique life circumstances of each individual. But in most cases, that goal is more difficult than it sounds, even in ways that may, at first, seem straightforward. The following situation is just one example. We are including it here to spur ongoing, thoughtful discussions about these complex issues.

January 11, 2011, marked the first day this year that Minneapolis lost a resident to homicide. The victim's legal name and gender at birth was Christopher Bates but she no longer used that identity, and chose the name Krissy. The case against her killer received extensive media coverage, and WATCH monitors observed many of the court hearings. Community activists were also present at these hearings, expressing concern that Krissy may have been targeted for a violent death.

After observing a pre-trial evidentiary hearing, one WATCH monitor wrote extensive notes, which are excerpted below.

During the evidentiary hearing, the attorneys and a witness referred to the deceased victim by her given name of Christopher, using all male pronouns. I was surprised that the identity of the victim was not preserved in the courthouse. I think choices like this on the part of court personnel have serious implications for the LGBTQI community, both in promoting acceptance and equal rights.

We can't know what went into the witness and attorneys' decisions to use male references. But, nothing is more basic to self-determination than having one's name and identity acknowledged. By raising this issue we hope to continually challenge ourselves and the justice system to honor all victims, and strive for a greater understanding and acceptance of their unique needs and circumstances.