

The myths of rape and the criminal justice system

by Marna Anderson

"...the stereotype of the real rape victim involves a woman who is behaving cautiously and who stays where she is supposed to be — in a good neighborhood at a reasonable hour. The more the facts deviate from this paradigm ... the more she is seen as 'precipitating her own rape, and therefore culpable.'"

WATCH monitors observe many sexual assault hearings where victims are portrayed as being partly responsible for their own victimization. The following case is one such example.

According to a criminal complaint filed in Hennepin County in June 2010, a 40-year-old woman was waiting in the early morning hours at a bus stop for her boyfriend to pick her up. She was approached from behind by a man who said he had a gun and told her to walk towards an alley where he raped her orally and vaginally. The victim reported the crime, returned with police to the crime scene, and found the condom used by the defendant. The DNA from the condom matched another profile in the Minnesota Convicted Offender DNA Database. Three months after the assault, the suspect was arrested and charged with first degree criminal sexual conduct. He was 15 years old.

Almost two years later, WATCH volunteers monitored the jury trial, which took place in February. In opening arguments, the prosecutor described to the jury what was in the police report: a woman was raped at gunpoint when she

was attacked on the street by a stranger after leaving a friend's home, where earlier in the evening she had consumed alcohol and used cocaine.

The defense attorney told the jury they would see evidence of "unfamiliar lifestyles" and be exposed to circumstances very different from what they are used to in their everyday lives. He emphasized that the woman had used drugs and alcohol that evening, was out late at night alone wanting to trade sex for drugs, and accused the defendant of rape when she didn't get what she wanted. With no evidence to back it up, he also suggested she was working as a prostitute. The defense attorney created a scenario that encouraged jurors to distance themselves from the victim by evoking the *I-would-never-get-myself-in-that-situation* response.

The defense tactics placed blame on the victim because she was acting outside of how a "good woman" would behave. Her credibility was especially questioned because of the drug use. The incident was framed as a sex for drug trade and therefore consensual. The jury found the defendant not guilty.

This case perpetuates two common myths. First, that women consent to sex and then report to police they have been raped. FBI statistics repeatedly show that rape is the most UNDER-reported crime. Second, that women falsely report rape,

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Transition time at WATCH

By Marna Anderson

For the last eight years, I've had the privilege of being the executive director of WATCH. I'll be leaving at the end of April to start a new job at Planned Parenthood of Minnesota, North and South Dakota. It's been a great experience working at WATCH and getting to know so many outstanding people -- our volunteers, board members, criminal justice system and advocacy partners. Together we're making a positive difference in how the justice system handles cases of violence against women and children. I'm grateful to all our donors and the terrific staff at WATCH for their commitment to the mission and loyal support. I am confident WATCH will continue to be an effective organization and I look forward to reading and hearing about future accomplishments.

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Sexual violence myths and facts

Information adapted from the Minnesota Coalition against Sexual Assault, www.mncasa.org/about_myths.html.

The myths about sexual violence are powerful in our society. Misguided beliefs in these myths keep people from understanding how sexual violence works and who the victims and perpetrators are. Most myths focus blame for an assault on the victim and relieve us of the burden of figuring out what is awry in our society.

Why is it important that we talk about these myths? Because this misinformation often keeps victims silent, keeps communities from identifying offenders, and creates barriers to effective prosecution. It also makes prevention extremely difficult because attention is focused on victim behavior, not on what offenders do. Knowing about these myths can help us become careful and critical thinkers about the reality of sexual violence in our communities. Here are some examples of the most commonly held myths:

MYTH: Most sexual assaults occur between strangers.

FACT: While these are the stories that are most likely to make the news, stranger assaults are statistically the rarest kind of sexual assault. According to the U.S. Department of Justice, 70% of all sexual assaults are committed by someone the victim knows.

MYTH: Some people ask to be sexually assaulted by their behavior or the way they dress.

FACT: This is one of the most prevalent and powerful myths. It asks us to find the cause of the assault in the victim's behavior or choices. No one asks or wants to be raped or assaulted, just as no one asks to have their car stolen, be robbed at gunpoint, or hit by a drunk driver. While some behaviors we choose may put us at some risk, they are only risky when there are offenders who are ready to take advantage of someone who is vulnerable. How someone dresses, where they go, what they do, or who they are in a relationship with never justifies a sexual assault.

MYTH: People who are drunk or high have no one to blame but themselves when they are sexually assaulted.

FACT: The use of alcohol and other drugs is often a part of sexual assault scenarios. In some cases, victims are encouraged to use alcohol or drugs or are, unbeknownst to them, given intoxicating substances, making them extremely vulnerable to rape. Whether voluntarily or involuntarily intoxicated, neither the victim's nor the perpetrator's alcohol or other drug use is an acceptable defense in a sexual assault case. In some instances, a victim's intoxication can be understood to render her/him legally unable to give consent to sexual behavior.

MYTH: Victims often falsely report sexual assault.

FACT: The Federal Bureau of Investigation reports that less than 2% of all sexual assault reports are false. This is the same rate of false reporting for all other major crimes. Those rare instances of false reporting usually are connected with someone who is dealing with mental illness - not a vengeful person intentionally trying to entrap another.

MYTH: Sexual assault is a serious, but rare crime in the United States.

FACT: It is true that sexual assault is a very serious crime, but it is unfortunately quite common. According to the National Center for Victims of Crime, approximately one in four girls and one in 10 boys will be sexually assaulted before the age of 18, and approximately one in three women and one in seven men will be sexually assaulted at some point in their lives. Unfortunately, victims of sexual assault remain quite hidden, fearing they will not be believed, that they will fall victim to these myths.

ENGAGING MEN IN ENDING VIOLENCE

Some men are ripping the fabric of our communities apart through sexual and domestic violence. Some men are repairing the harm.

Victims of sexual and domestic violence suffer both short- and long-term consequences, oftentimes alone and without help. This suffering may include extended health problems, loss of income or access to resources, loss of transportation through vandalism, loss of housing, broken windows and furniture, smashed walls, broken teeth, broken hearts, and torn families. Some injuries are life threatening, and post-traumatic stress can take a toll for years.

To recognize April as national sexual assault awareness month, the Minnesota Men's Action Network: Alliance to

Prevent Sexual and Domestic Violence has launched the MENding Project. Its goal? Help men donate time and money to provide practical and immediate support to victims of sexual and domestic violence while shifting the social norm of male complacency in the face of these assaults.

The MENding Project can be found at www.TheMENdingProject.org and has a comprehensive information packet for implementing the project in businesses, neighborhoods, and communities. The packet includes information pledge forms, window and counter top display cards, a brochure, a sample list of businesses to approach, a pledge sheet to track and tally donations, model thank you letters, fact sheets, confidentiality statements, and cover sheets explaining the project.

Volunteer Spotlight

Claudia Nelimark has always been drawn to women in difficult situations. When she joined WATCH as a volunteer in September 2011, she had been a sexual assault nurse examiner (SANE) for 12 years. Familiar with the forensic nursing aspect of domestic violence and sexual assault, Claudia came to WATCH interested in learning more about the legal side. At a conference on human trafficking, Claudia sat next to a WATCH volunteer, who told her about the organization. Claudia mentioned a case she had been involved with as a nurse, wondering about the outcome, and the volunteer explained that most court cases are matters of public record and agreed to email Claudia the result of the trial. Claudia says she was impressed with the volunteer's knowledge of the court and legal system. "It was like a light bulb went off and the heavens sang and I thought, 'I want to learn more about this organization!'"

Learning legal terminology and the court process is what has most challenged Claudia in her work as a WATCH volunteer, and she points out that this is a never-ending and forever-changing task. However, it was the approach to time within the justice system that most surprised Claudia. "There is time on our watches, and then there is court time. A lot of patience and waiting is required in the courtroom."

She was also surprised at how difficult it is to obtain an order for protection, stating that she had been under the impression that if someone wanted protection from another, they merely went to the courthouse and applied. "It's actually a very long, difficult, and humbling experience. It's a lot of work to be protected from another." She commends victims for their strength in standing up for what they deserve, but adds she also understands why so many give up on the process. To Claudia, the most important thing WATCH does is work toward the goal of making sure all victims are treated with respect and dignity and their safety prioritized.

As a SANE nurse, Claudia sees victims who come in after a sexual assault. She says they tell her what happened with changing emotions—from fear, to anger, to guilt. After answering many detailed questions about her memory of the rape, the victim goes through a humbling exam and then is photographed. Claudia states, "Each picture is a memory of fear and pain. I make sure the victim leaves the hospital with a safety plan, a safe place to go, and her dignity." Through her work with SANE and as a WATCH volunteer, Claudia has become even more passionate about safety for people in abusive relationships. Most recently, she has become interested in the issue of human trafficking. It is important to Claudia to continue to learn as much as she can to do her part to one day put an end to these crimes.

In addition to her work with WATCH and SANE, Claudia is a registered nurse. She and her husband of 30 years have two boys—ages 16 and 20. Music is central in their family. Claudia enjoys listening to her sons play classical pieces on the guitar and violin, and Claudia plays cello with a small chamber group. As a family and with friends, they get together as often as they can to "jam some bluegrass."

Claudia says her friends and family find her work to end violence against women as fascinating as she does.

Claudia believes it is a privilege to live in a country where we treat everyone fairly and as innocent until proven guilty. However, she highlights that defendants need to be held accountable for crimes of violence and believes a record needs to be kept of repeat offenses. She points out that domestic violence only worsens over time and stresses, "It needs to be stopped on offense number one."

What Claudia enjoys most about being a WATCH volunteer is the people she meets: "Everyone has his or her own reason for volunteering at WATCH. What everyone has in common is a desire to help other people. I have to admit, I think this is a pretty selfish world, and to be surrounded by people passionate about helping others is inspiring." When asked what she would say to someone who is considering volunteering with WATCH, Claudia responded, "Do it! You will meet some highly motivated people with a passion to serve others. Everyone I have met through WATCH is inspired to make this a better world. We can only try!"

Thumbs up/thumbs down

👍 Thumbs up to the U.S. District Court in Minneapolis for sentencing Stevon Warren to prison for sex trafficking. Minneapolis Police Department Violent Offenders Task Force investigators documented Warren's more than 10-year history of taking women and girls across state lines and prostituting them. Federal trafficking cases here are rare, even though the U.S. Department of Justice cites the Twin Cities as one of the 15 largest centers of human trafficking in the country.

👍 Thumbs up to Governor Mark Dayton for vetoing the ill-conceived "shoot first" legislation. The governor cited serious concerns for the safety of law enforcement officers and the public, observing that federal statistics place more than 5 million guns in the hands of Minnesotans. He emphasized that current laws, "already provide the authorizations for law-abiding citizens to use deadly force to defend themselves or others, either inside or outside their homes, so long as that force constitutes 'reasonable force.'" WATCH is working to reduce gun violence, especially in domestic abuse cases, and supports the governor's thoughtful decision.

👍 Thumbs up to WATCH's five fantastic interns, who go above and beyond their job descriptions and keep our office running smoothly. Whether it is laying the groundwork for new research projects, processing and tracking donations, transitioning volunteer records to a new database, or revamping the defendant file room by going through thousands of files one by one, our interns continuously prove themselves to be invaluable. WATCH staff couldn't be luckier to work with such a bright, efficient, and committed group of women. We don't know what we would do without them.

The myths of rape and the criminal justice system

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when statistics show such reports are less than 2% — the same rate as false reports of robbery and other crimes.

This sexual assault is *uncommon* in several ways. The defendant and victim were strangers. Contrary to what most people believe, stranger rapes account for less than 30% of reported assaults. In the overwhelming majority of sexual assaults, the victim knows the assailant.

Second, the defendant used a weapon as his primary means of force. Just 11% of rapes involve weapons, with only 3% involving guns. Because most assailants know their victims, they are able to get close to them and coerce or force them in other ways, such as with threats and physical force.

Third, the victim of this assault reported it to the police. The U.S. Department of Justice estimates that 60% of all sexual assaults are not reported.

Fourth, this case went to trial. The vast majority of all criminal cases are resolved through a negotiated plea agreement. This is particularly true with sexual assault cases, where prosecutors may opt to spare the victim from having to testify or assess that battling the rape myths may be too risky when faced with the need to hold a violent offender accountable.

The myths our society holds about sexual violence are deeply ingrained in our psyches and reinforced through the entertainment industry and evening news. High profile cases such as the Kobe Bryant case, and more recently, the sexual assault charges (filed and later dismissed) against Dominique Strauss-Kahn shape the public's opinion about what constitutes rape. Media portrayals have tremendous impact on whether victims make reports to the police, how cases are investigated, whether cases are charged and go to trial, and how juries make decisions.

WATCH monitors quickly learn that myths about sexual assault are used effectively in court as a means of defense, particularly during trials. Two other recent rape trials in Hennepin County are also disturbingly illustrative. WATCH monitors reported that one victim's credibility was challenged because she had been drinking and dancing with the defendant earlier in the evening. She became very ill from the alcohol and fell asleep at the defendant's apartment. When she awoke, her clothing had been removed, and he was on top of her. She told him to stop. At the trial, the defendant even said, "She told me 'no,' but I didn't believe she meant it." In spite of this, the defense questioned the victim's credibility. For example, he observed that she had a drink called "Sex on the Beach" and asked if

she liked it. When her clothing was admitted for evidence, the defense attorney pointed out that she had not worn a bra the night of the assault.

In the other case, the victim's credibility was challenged in large part because she stopped to purchase cigarettes before going to the police to report the assault. Even though it is common for victims to wait hours, days, weeks, or months to make a report (if they make one at all), this doesn't jibe with the commonly held misperception of the victim who flees the scene of the crime, crying and injured, and runs straight to the local police department. In both these cases, the victims were portrayed as not behaving in a manner that victims are "supposed" to according to society's understanding of rape. The victim in the very first case I highlighted did do exactly what she was supposed to, and yet the victim-blaming myths prevailed in the end.

Until last year, Minnesota prosecutors were not allowed to bring in testimony from expert witnesses who could inform the jury that it is common for victims to delay reporting or to not suffer physical injuries. We hope as more juries hear expert testimony these myths will be exposed for what they are in the courtroom. Ultimately, however, we must counter rape myths more broadly in society if true change is to occur.

"...what can fairly be deemed rape will be informed by popular culture and the types of rape cases that have been pursued in court.

In this respect, rape trials not only mirror social values, but also perpetuate them, setting the social standard of what counts as rape."

According to a recent study released by the University of Minnesota Humphrey Institute and the Women's Foundation of Minnesota, by age 23, nearly 25% of Minnesota female college students have been sexually assaulted, and by mid-life, 33% of Minnesota women have experienced a crime of rape. The numbers increase in communities of color, particularly among Native American women, who experience rape or attempted rape at a much higher rate than the general population.

April is sexual assault awareness month, and we want to use our courtroom observations to raise awareness about the types of sexual assault cases that are charged in Hennepin County and their outcomes. Few make the headlines. Rape is so common that it often isn't considered newsworthy unless it involves a high-profile defendant. This must change — we all have a stake in ending sexual assault and rape. Awareness of the reality of rape and debunking the myths that surround it need to be our top priority. Until then, the criminal system is limited in achieving justice for victims.

The quotes at the beginning of this article and in the adjacent sidebar were taken from: Aviva Orenstein, Special Issues Raised by Rape Trial, 76 Fordham Law Review 1585 (2007), <http://ir.lawnet.fordham.edu/flr/vol76/iss3/11>

Volunteer notes

✓ When scheduling next appearances in felony arraignment court, the defense attorney repeatedly said they were “fake dates” because she would be gone.

✓ Before granting a dismissal of an order for protection as requested by the petitioner, the judge first asked him if he had been asked to come to court by the respondent or been threatened, as well as if he would like to speak to an advocate or amend the order rather than dismiss it. After the petitioner answered ‘no’ to all of these questions, the judge then stated that the petitioner can always come back for a new order and that there should be zero tolerance for violence.

✓ I was waiting in the courtroom for three hearings to begin when the clerk came out and told me that one hearing would begin soon, but the other two were continued because the public defender had a child care problem. The clerk then called the names of the defendants in those cases to inform them that their cases wouldn’t be heard. One of the defendants had a toddler and young baby in tow. When she found out the hearing had been cancelled, she said, “Why didn’t my attorney call me? I drove all the way from Apple Valley.”

✓ The defense attorney played solitaire on his computer while waiting for a murder in the first degree trial to begin.

✓ Before domestic violence court began, the deputy announced to the gallery the rules about cell phones and also announced that no verbal or non-verbal communication with loved ones in the box was allowed or additional charges of a no contact order violation could be filed.

✓ In an evidentiary hearing in order for protection court, the petitioner testified that one night she woke up to the respondent slapping her in the face and that he had strangled her, breaking a blood vessel in her eye. The judge stated, “It’s not the most serious case of domestic abuse.” He then added, “Maybe that’s not language any judge should use because one act of domestic violence is one act too many.”

✓ The prosecuting attorney arrived at domestic violence court at 9:20, didn’t have files for two people, and couldn’t remember whose files she needed. At 9:45, she said, “I haven’t even had time to look at the calendar yet.” As of 10:10, court still hadn’t started, and the clerk came in to say the judge had a meeting at noon, so they’d need to be finished by then.

✓ The judge amended the order for protection to have “peaceful contact.”

✓ When explaining no contact orders, the judge said no “direct or indirect contact” was allowed, but did not provide examples of what that meant. In this particular case, the defendant was in violation because the victim called him and said it was an emergency, and he was arrested for having

contact with her. He stated he did not know it was a violation to speak to her if she was the one to contact him.

✓ At a sentencing for domestic assault and violation of an order for protection, the victim gave an impact statement. She said she had been abused for 15 years and has had her nose and eye socket broken. She calls the jail before she leaves the house to see if the abuser is still there. Although she sleeps with her sister, she still has nightmares. The victim stated she is tired of the “slaps on the wrist” given to the defendant and is worried she will be murdered. The defendant in this case was sentenced to the work house for 365 days, with 305 of them stayed.

A sad farewell to Marna

by Susan Lenfestey, WATCH founder

This is the first newsletter piece that I’ve truly dreaded writing.

It’s a farewell to our executive director, Marna Anderson, who after 8 years at the helm of WATCH, has decided to take a new job with Planned Parenthood of MN, ND and SD.

It’s a perfect move for her, with her life-long dedication to the rights of women, and she will be a huge asset to Planned Parenthood as it confronts the most serious backlash against women’s health that we’ve seen in at least half a century.

But it would be untrue to say that our happiness for both her and Planned Parenthood isn’t tempered by our sadness at seeing her go.

It’s hard to sum up in the few words allotted to me here how much Marna has done for WATCH in her tenure as executive director. If I had a page or two I could name the studies she oversaw, the number of national court monitoring groups mentored under her tutelage, the innumerable committees she served on in the justice system, the creativity she brought to fundraising and the credibility she brought to our work. She consistently hired a savvy and tireless staff, worked to assure more diversity in our ranks, and weathered the economic downturn with confidence and nimble skill.

Along the way she gained the respect and trust of those who contribute to WATCH, as well as those who WATCH watches.

She was that rare leader who could do it all, from the administrative work that keeps WATCH running, to the programming work that makes WATCH effective. And she did it with a sophisticated grace and good humor that made being with her a pleasure, despite the sometimes depressing nature of our work. We wish Marna all the best in her new job, and know that we can count on seeing her at future WATCH events. We’ve lost an executive director, but we haven’t lost a friend.

Case summaries

This article contains a selection of sexual assault cases WATCH monitored in 2011. Special thanks to WATCH intern Alison Tweddell for hours spent reading criminal complaints and compiling data from more than 100 sexual violence cases.

JOSE NMN HERRERA and LUIS ALBERTO RUVALCABA-HERRERA

Jose Herrera, 24, was charged with one count each of felony first and third degree criminal sexual conduct for raping his ex-girlfriend (Victim 1) while she was unconscious and one count of first degree assault for kicking her friend (Victim 2) in the face when she tried to stop him. Victim 2 lost several teeth and suffered a concussion as a result. Victim 1 was still unconscious when a sexual assault exam was conducted. According to the criminal complaint, she had marks on her neck and a vaginal tear. The co-defendant, Luis Alberto Ruvalcaba-Herrera, 23, was charged with felony first degree assault for pulling Victim 2 off of Herrera by putting a belt around her neck and throwing her down to the floor, allowing Herrera to kick her.

Herrera pleaded guilty to one count of third degree criminal sexual conduct, and the remaining counts were dismissed. Judge Robert Small sentenced him to 41 months in prison with credit for 57 days, with a 10-year conditional release after confinement. He was also ordered to supply a DNA sample, register as a predatory offender, and pay restitution. Judith Hawley was the prosecutor, and Mark Devaraj was the defense attorney.

Ruvalcaba-Herrera pleaded guilty to first degree assault. Judge Small sentenced him to 60 months in prison with credit for 145 days, a downward departure from sentencing guidelines due to the plea agreement and the defendant taking "significant responsibility by pleading guilty." He was also ordered to supply a DNA sample and pay restitution. Judith Hawley was the prosecutor, and Daniel O'Brien was the defense attorney.

AMW

*In an effort to protect the identity of the victim, WATCH is not publishing the defendant's full name.

AMW, 42, was charged with three counts of felony first degree criminal sexual conduct and two counts of felony third degree criminal sexual conduct for sexually abusing his daughter over the course of three years, beginning when she was 14. At the time, AMW was on probation for one of six cases of assaulting his wife (the victim's mother). According to the criminal complaint, the victim told police her father had raped her numerous times and given her a sexually transmitted disease.

Following the first assault, the victim reported it to her mother, who in response punched her, splitting her lip. The victim continued to report the sexual abuse for three years prior to these charges, but recanted each time due to AMW's threats to kill her and pleas from him and her mother not to talk to anyone. When interviewed by police, the victim's brother confirmed her allegations. The victim's mother also confirmed

to police that she was aware of the assaults, that she believed her children, but that she had been afraid of the defendant for several years.

AMW pleaded guilty to one count of third degree criminal sexual conduct, and the remaining counts were dismissed. Judge Daniel Mabley sentenced him to 101 months in prison, stayed for 10 years, a downward departure from sentencing guidelines due in part to the victim's statement to prosecutors requesting that AMW receive treatment in lieu of extended prison time. Conditions include sex offender treatment, no contact with the victim or minor children, supply a DNA sample, do not use or possess pornography, and register as a sex offender. Deborah Russell was the prosecutor, and Sonya Verkinderen was the defense attorney.

In the nine months following sentencing, AMW had three probation violations. At his third violation hearing in February 2012, Judge Mabley ordered him to serve his sentence of 101 months, with credit for 373 days, followed by a 10-year conditional release.

GEORGE CORNELIUS WATKINS

George Cornelius Watkins, 30, was charged with felony third degree criminal sexual conduct, felony third degree burglary, and felony domestic assault for physically and sexually assaulting his girlfriend (Case 1). According to the criminal complaint, Watkins called the victim multiple times, threatened her, and demanded she come home. When she arrived, he dragged her inside by her hair, punched her multiple times in the head, and strangled her. He forced her into the bedroom, ordered her to remove her pants, and digitally penetrated her while she pleaded for him to stop. Responding officers noted a hole in the wall where he had thrown her and blood splatter consistent with a person being hit repeatedly in the head.

While Case 1 was pending, Watkins was charged with two counts of felony violation of a no contact order, one of which resulted from him calling the victim from jail following the assault (Case 2).

At trial for Case 1, a jury found Watkins guilty of felony domestic assault. He was acquitted of third degree criminal sexual conduct, and the felony third degree burglary charge was dismissed. Judge Moreno sentenced him to 28 months in prison with credit for 195 days. He was ordered to supply a DNA sample, register as a predatory offender, and have no contact with the victim.

Three months later, a jury found Watkins guilty of both counts of felony violation of a no contact order in Case 2. Judge Moreno sentenced him to 32 months in prison on one count and a year and a day on the second count, to be served consecutively. These sentences were to be served concurrent to the sentence in Case 1. For both cases, the prosecutor was Daniel Allard, and the defense attorney was James Sheehy.

JEROME DORTASS DAY

Jerome Dortass Day, 34, was charged with felony third degree criminal sexual conduct for the rape in 2002 of a 15-year-old girl he met at a bus stop. At the time of the assault, police responded to Hennepin County Medical Center, where the sexual assault exam was performed. The victim reported that Day offered her a ride home, but instead drove to an unknown house and asked her, for her safety, to come inside with him because it was a bad neighborhood. Once inside, Day forced her onto a mattress, and two other men forcibly took her clothes off. After Day raped her, three other men raped her vaginally, orally, and anally. The victim passed out, and when she regained consciousness, Day and the other suspects had left.

In 2009, following a conviction in a DWI case, Day was required to supply a DNA sample. A year later, authorities matched his DNA with the sample taken during the medical exam of the victim eight years before.

Day pled guilty to third degree criminal sexual conduct and was sentenced to 46 months in prison with credit for 200 days, with a five-year conditional release following confinement. This was a downward departure from sentencing guidelines; Judge Daniel Moreno said it was a negotiated settlement made because of Day's cooperation in prosecuting the other individuals involved. At sentencing, a statement was made on behalf of the victim stating that she was deeply affected by the assault and disappointed by the sentence. Thad Tudor was the prosecutor, and Jane Imholte was the defense attorney.

ANDRE ANTHONY WESTON

Andre Anthony Weston, 24, was charged with four counts of felony first degree criminal sexual conduct and one count of felony kidnapping. According to the criminal complaint, the victim was walking down the street when she was approached by Weston. The victim became afraid and offered Weston a beer, her purse, and her cell phone. When the victim ran, Weston chased her into the front yard of a house and up the front steps before dragging her to the side of the house and raping her. The victim screamed until a neighbor intervened.

Judge Allen Oleisky presided over the jury trial. During cross examination of the victim, the defense attorney questioned her about her use of alcohol and drugs, asked if she had invited the defendant "to party with her," inquired how often she said no during the assault, and suggested the victim was taunting the defendant about his inability to get an erection. The jury ultimately found Weston guilty of two counts of first degree criminal sexual conduct and acquitted him of the remaining two counts of first degree criminal sexual conduct. The felony kidnapping was dismissed. Judge Oleisky sentenced Weston to 144 months in prison with credit for 33 days, with a 10-year conditional release after confinement.

Join us to honor Vicki Seliger Swenson at Gold WATCH 2012

The Sheila Wellstone Gold WATCH Award is given each year in recognition of leadership on behalf of women and children who are victims of domestic violence, sexual assault, or child abuse. **We welcome you to a 5:00 p.m. reception with a short program at 5:30 p.m. on Wednesday, May 9, 2012, at Bar Lurcat, 1624 Harmon Place, Minneapolis.**

Vicki has dedicated her life to making the world safer for victims of domestic violence and we are honoring her for her activism at the legislature and in the courts. Vicki's sister, Terri Lee, was killed by an ex-boyfriend while at home with her four children. Vicki and her husband adopted Terri's children, and Vicki began working on a law requiring the statewide database to include a photograph of everyone who is subject to a protection order issued by a Minnesota court. She also persevered through five years of litigation to win a settlement for Terri's children against the security company because the alarm system failed to alert the family of the intruder.

LOCAL COURTHOUSE SAFETY ACT

Minnesota senator Al Franken hosted a roundtable discussion at the Hennepin County Government Center on April 4 to discuss the Local Courthouse Safety Act, which he is sponsoring. The Act would allow local communities to use already allocated federal funds to enhance courthouse safety. It is specifically designed to improve security in smaller jurisdictions such as Cook County where a prosecutor was shot in December. The bill also gives local courts direct access to security equipment that federal agencies are no longer using and allows states to use Homeland Security funds to invest in courthouse security.

Attendees at the meeting with Senator Franken also noted the importance of increased staffing to ensure adequate security. And WATCH supported comments made by Bill Ward, Chief Public Defender, that ensuring litigants know what is happening with their case and feel they are being treated fairly helps defuse potentially violent situations. WATCH monitors often report that good communication from court personnel about when hearings are going to start and what to expect are met with relief and seem to increase litigants' confidence in the judicial process. Since completing our study on Hennepin County's three suburban courts last year, WATCH has made courtroom security a priority and we were honored to participate in the meeting with Senator Franken and support this bill.

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WATCH relies on community support to keep our program strong. Can you help us keep up the good work with a donation?

Keep the volunteers coming

- \$2,160 (\$180/month sustaining gift) provides an all-day training session for 75 new volunteers each year
- \$690 (\$57.50/month sustaining gift) covers six continuing education sessions for volunteers
- \$29 covers the training for an individual volunteer

Keep a public eye on the courts

- \$2,850 buys a new server to expand our ability to gather, store, and analyze court monitoring information
- \$325 (\$27/month sustaining gift) covers a year's worth of monitoring by a trained volunteer
- \$140 (\$12/month sustaining gift) provides a year's worth of monitoring forms and supplies for 100 volunteers

Keep people informed

- \$3,200 gets the printed *WATCHPost* newsletter to 3,000 subscribers each quarter
- \$300 covers production of our quarterly electronic newsletter
- \$175 provides a web-based training session on court monitoring topics (\$14.50/month sustaining gift)
- \$100 supports education on the courts for a civic or community group

Keep the doors open

- \$500 covers rent for a month (\$42/month sustaining gift)
- \$116 covers rent for a week (\$10/month sustaining gift)

Use the envelope in this newsletter, call 612-341-2747 to donate by phone, or make your contribution online at www.watchmn.org. Whether a one-time gift, a monthly donation, a gift of stock, or a donation of goods or services, we appreciate them all. Thank you.