



## Carter shows disdain for justice system

By Heather Wolfgram, Court Monitoring Coordinator

Kenneth Carter came to WATCH's attention in early 2007, when his name began to appear with increasing frequency on the court calendar. Carter was charged with three heinous crimes against three separate victims in an eight-day period, demonstrating a rapid and undeniable escalation of his violence.

Carter began his criminal history at an early age with petty crimes, such as traffic and minor narcotics violations. He quickly learned he could abuse and control the people in his life without consequence as proven by the numerous assaults and terroristic threats described below against 12 different victims: nine women, two men, and one child. Now 34, Carter has been on probation for the majority of his adult life and is currently in prison.

### Case 1: Assault in the fifth degree (misdemeanor)

4/9/97 *St. Louis Park police report:* Officers responded to a domestic call in which Victim A indicated that her live-in boyfriend, Carter, hit her in the mouth during an argument. Officers documented a bruise on her mouth. Carter was arrested on 4/10/97. Judge Allen Oleisky released him without bail on the conditions that he have no contact with Victim A and commit no other crimes, such as disorderly conduct, harassment violations, obstructing the police, or stalking.

### Case 2: Assault in the fifth degree (misdemeanor) and possession/sale of marijuana (petty misdemeanor)

5/12/97 *St. Louis Park police report:* Officers spoke with Victim A, who told police her ex-boyfriend, Carter, hit her, yelled obscenities at her, and threatened to kill her. Officers observed injuries to her left eye, nose, and the left side of her face. The report indicated that Carter repeatedly told her that if she called the police, either he would kill her or have someone else do it. Victim A said she believed Carter would carry out his threats because she heard he killed someone in Chicago and she had seen him carry a handgun. Carter was arrested on 5/13/97. Judge Patricia Karasov set bail at \$4,100 and ordered Carter to have no contact with Victim A.

5/27/97 *Outcome Cases 1 and 2:* Judge Patrick Fitzgerald dismissed **Case 1 on the condition that Carter plead guilty in Case 2 to assault in the fifth degree (misdemeanor). Carter was sentenced to 90 days at the Adult Correctional Facility with 60 days stayed. Conditions of Carter's probation included no contact with Victim A, no assault charges, no same or similar charges and follow the recommendations of probation, including treatment as determined by probation.** The prosecutor in both cases was Michael Colich; the supervising probation officer in both cases was Robin Franklin; the defense

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## WHAT'S NEW

### New staff

WATCH welcomes Nashad Muse to the position of administrative and program assistant. Nashad was hired in June under the Lois Bishop student of color internship program and moved into her new position in September.

During her internship, Nashad became acquainted with the courts and regularly monitored hearings. She is excited about entering the nonprofit world in a field related to her passion—human rights. Nashad provides communications support for the website and newsletter, does the organization's book-keeping, and supports board and donor relations activities.

Nashad was included in the National Dean's List in 2006-2007 and is looking forward to finishing her degree at the University of Minnesota and pursuing a career in human rights law. We are thrilled to have her on staff.

### Student interns

This fall, WATCH welcomed three new interns—Sara Rogers, Alicia Smith, and Scott Smith. Interns provide

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# Maintaining balance: cameras in the courtroom

By Marna Anderson

I recently saw the news coverage of Shawn Hornbeck's parents making their victim impact statements at the sentencing of Michael Devlin, the man who pled guilty to kidnapping and sexually abusing their son. There were no theatrics, no one jumping out of his or her seat shouting threats at the defendant. Shawn's parents simply shared with the judge the extreme pain the defendant had put them through with his crimes.

WATCH volunteers are regularly present at hearings in Hennepin County courts monitoring cases of sexual assault, domestic violence, and child abuse and neglect. They observe how a judge's words and demeanor can influence proceedings, how a victim can be empowered by giving an impact statement to the court, and how attorneys painstakingly detail their arguments for the record—important, but not entertaining. Very seldom does a judge sound similar to the barking Judge Judy of daytime television or the courtroom resemble that of "Law and Order."

The public's access to the courts and administration of justice at the local level is a fundamental part of a healthy democracy. WATCH and other court monitoring groups around the country exercise this right on a daily basis. But for most people, taped recordings of actual hearings broadcast on the internet and television are the closest they come to being inside and knowing what happens in a real courtroom.

Minnesota is one of 15 states with restrictions so great that its courtrooms are, for all practical purposes, closed to cameras. An advisory committee of the Minnesota Supreme Court is currently considering a proposal to allow cameras into Minnesota's trial courts. The proposal excludes electronic media by the authority of the presiding judge and "where it is shown that the proceedings will be adversely affected." The committee has received public comments, and is now interviewing representatives from states who have changed their rules in recent years. They will then review the information they have collected and make recommendations to the Supreme Court.

In the 1990s, after the sensationalized coverage of the O.J. Simpson trial, the debate about whether cameras should be allowed in America's courtrooms was more polarized than it is now. Many of the fears about attorneys and judges pandering to cameras, creating a circus atmosphere, have subsided. Although every once in a while the public is subjected to the likes of Florida's Broward County Judge Larry Seidlin in the Anna Nicole Smith case, with his inappropriate one-liners and on-the-bench-sobbing, many members of the justice system do not believe that cameras negatively impact courtroom operations.

Nevertheless, it can be argued that cameras can be an impediment to justice, undermining a defendant's right to a fair trial and negatively impacting victims, witnesses, and jurors,

all of whom may be reluctant to appear on live TV or YouTube. The current proposal before the Supreme Court does not contain adequate safeguards to mitigate the potential negative effects of cameras in the trial court.

Minnesota could learn from other states about how best to protect individual privacy, ensure a fair trial, and provide for public access to the courts via television and the internet.

Though some states grant a great deal of authority to the chief judge or the presiding judge, as in the case of the proposal being considered here, several states have restrictions in place to ensure a uniform system. These include but are not limited to prohibiting videotaping of juveniles, victims of domestic violence and sexual assault; jurors; and communications between judges and legal counsel or undercover agents. Many states also regulate the number of cameras permitted and their placement and specify the amount of prior notification the media must provide the court about their intention to record proceedings.

As the Minnesota Supreme Court re-examines the rules regarding cameras in the courts, it is important to balance the rights of the public to have access to the courts with the rights of defendants to a fair trial and the rights of jurors and victims to privacy. In one of the more comprehensive books on the topic, *Cameras in the Courtroom*, the authors write that, "Like the search for justice, decision-making on the camera issue should be a product of open minds, hard questions, and clear reasoning."

I believe it is possible to have rules in place that would provide greater opportunity for the public to learn about their court system while keeping it fair and un-sensationalized. Public access to the courts through taped recordings can demystify the justice system and promote greater understanding about its complexities. It can promote greater accountability when courtroom behavior warrants it and foster trust in the justice system when everyone involved works to uphold the rights of all sides.

Our monitors' observations of court have resulted in greater efforts to hold individuals accountable for their behavior in the courtroom. But those monitors would be the first to say that observing the courts has also increased their own understanding of the complexity of meting out justice, and heightened their respect for those working in the system.

There are seldom easy answers to the problems put before the courts — it's always a balancing act. With the proper safeguards in place, much good can come with even more "watchful" eyes on the courts.

## Board news

There are many reasons WATCH has flourished over the years—a clear mission, a steady focus, carefully managed growth, stalwart volunteers, strong partnerships, and generous individual and foundation support. Overseeing all of that has been a remarkable board of directors, bringing insight, experience, and wisdom to all WATCH does.

An outgoing board member, Harold Minor, and two new members, Amy Walsh Kern and Sarah Zanger Perron, embody those qualities.

Harold is the managing partner of HD Minor, LLC. He received his MBA from Atlanta University and has served on the boards of Minnesota Early Learning Design (MELD), Minnehaha Academy, the AIDS project of Nigeria, and the Walker Art Center.

For nearly two years, Harold served on WATCH's board, providing expertise in the area of financial planning and oversight and serving as treasurer for a portion of his term. He put into place policies and procedures that have made us a stronger organization able to withstand any "financial adversity" that may come our way. As Harold moves on to his numerous other commitments, we will miss his presence, his insistence that all members understand and pay attention to the financial statements, and his wry sense of humor.

Amy Walsh Kern is an attorney in the employment and labor law practice group at Leonard, Street and Deinard in Minneapolis. Prior to moving to Minneapolis, she practiced at Mayer, Brown and Platt in Chicago. She has represented clients in state and federal court and has also successfully handled numerous matters before the Equal Employment Opportunity Commission and many other state human rights departments.

Amy serves on the board of Highpoint Center for Printmaking, a nonprofit

printmaking organization and artist's co-operative that provides educational programs for school-age children.

We first met Amy at one of our outreach lunches and sensed that she immediately understood our mission. We were right. "I was drawn to WATCH because, as a lawyer, I instantly recognized the type of institutional changes that WATCH was successfully making—and how necessary they were and are," she says. "It's an opportunity to use my legal training in such a radically different way than I do in private practice. I am also constantly amazed by how much WATCH does with so little, and how focused they are on their mission."

Sarah Zanger Perron is a senior strategist for the marketing department at Target Corporation. Her focus is interactive marketing in the health, pharmacy and clinic areas for Target. She has been in the Minneapolis advertising world for over 12 years, working with clients such as Ameriprise, Best Buy, and BMW, and was one of the Geek Squad's first female employees when the computer repair service was just a start-up.

Sarah has done volunteer work for many organizations, including Free Arts Minnesota, a nonprofit organization dedicated to bringing the healing powers of artistic expression into the lives of abused, neglected, and at risk-children and their families.

Sarah attended the fall gala last year and says she was moved by the heart-felt stories, but also by the dedication of the board and staff, as well as the impact WATCH is having in the court system. "WATCH appealed to me the moment I learned of it. I believe in the mission of WATCH and am pleased to be a new member of the board."

We are pleased to have Amy and Sarah join the WATCH board and honored that they have agreed to fit WATCH into their very busy lives. And we thank Harold for his dedication and financial acumen and wish him the best.

## Family Law Forum focuses on domestic violence

The November issue of the *Family Law Forum*, a publication of the Minnesota Bar Association's Family Law Section, puts the spotlight on domestic violence in family court and includes an article from WATCH titled *Keeping safety front and center in order for protection hearings*. Edited by Linda Wold, the issue contains 12 articles covering such diverse topics as the domestic abuse statute, domestic abuse and the military, police officers who abuse, domestic abuse in the ENE, the experience of victims of domestic abuse who are immigrants or refugees, the order for protection process, and a discussion of recent Appellate Court cases.

Wold, a family law attorney since 1994, has worked with the Domestic Violence Prevention Network of Northwest Hennepin County and has done extensive pro bono work for and on behalf of domestic abuse victims. In addition to WATCH, she sought articles from attorneys, legal advocates, programs providing direct services to survivors of domestic abuse, and court staff.

In her letter from the editor, Wold writes, "It is through our continued collaboration and willingness to share information, techniques, and to remain in close association with each other, that we can all serve our respective clients and their children, and the community as a whole, in safety and with competence."

We agree and hope the information provided will prove valuable in ensuring greater safety for victims of domestic violence. WATCH will provide a link on our website, [www.watchmn.org](http://www.watchmn.org), when the issue is available. Or, contact [lwold@usfamily.net](mailto:lwold@usfamily.net) if you would like to receive a copy.

### What's New continued from page 1

much-needed assistance maintaining up-to-date calendars, covering important hearings, and ensuring information is well-organized and accessible. It is a pleasure to have them with us.



attorney in Case 1 was James Murphey, and in Case 2 was Jacqueline Huber.

**Case 3 (Carver County): Terroristic threats (felony) and assault in the fifth degree (gross misdemeanor)**

*3/26/98 Criminal complaint:* Chaska police responded to a domestic “situation.” Victim A told officers that Carter “choked” her until she blacked out. The assault continued later that night when Carter repeatedly slapped and punched her and pulled out a handful of her hair. The next morning, Carter continued to slap and punch her until her two children screamed for him to stop. Victim A told police that she was scared for her life as Carter told her he would kill her if she called the police or had him put in jail. Police observed a swollen area beneath her left eye and red marks on the left side of her neck.

While officers were speaking with Victim A, Carter telephoned her residence twice. Carter told officers that nothing physical had happened between he and Victim A. Officers warned him to “stay away” from Victim A’s residence. Carter agreed to go to the Chaska Police Department for an interview, but never showed up. The criminal complaint indicates that Carter’s whereabouts were unknown. A warrant for Carter’s arrest was issued on 4/14/98 but records indicate he was arrested around 6/2/98 at which time bail was set at \$20,000.

*3/31/98 First arrest and detention order Case 2:* Carter was arrested and detained for violating his no contact order with Victim A in Carver County.

*5/26/98 Appearance Case 2:* Carter admitted violating his probation by having contact with Victim A. **Judge Stephen Aldrich reinstated Carter’s probation, but revoked 15 days of his sentence with credit for three days under the same conditions as previously sentenced.**

*6/5/98 Appearance Case 3 (Carver County):* Judge Jean Davies set Carter’s

bail at \$10,000 bond or \$1,000 cash.

*6/24/98 Outcome Case 3 (Carver County):* **Carter pleaded guilty to domestic assault (gross misdemeanor) in front of Judge L.W. Yost, who sentenced him to a stay of imposition for two years, 20 days at the Adult Correctional Facility and lifted the no contact order with Victim A.**

*10/1/98 Appearance Case 2:* Judge Poston lifted the no contact order with Victim A per her request. Carter had restarted the domestic abuse program and the Victim A and the defendant are going to have a child together.

*1/27/99 Second arrest and detention order Case 2:* On 1/21/99, Carter was accused of kicking in Victim A’s apartment door and assaulting Victim A, who was nine months pregnant. Victim A suffered a ruptured eardrum, swollen lip, and bruises and delivered her child later that day. **This assault was handled as a probation violation, and was not charged as an independent criminal case.**

**Case 4: Felon in possession of a pistol (felony) and terroristic threats (felony)**

*1/27/99 Criminal complaint:* Minneapolis police responded to a call regarding a man with a gun. Victim B told police he observed Carter outside of his home yelling obscenities, threatening to kill him, and pointing a semi-automatic pistol towards his house. Carter was apprehended, and a handgun was found buried in the snow nearby.

*2/1/99 Appearance Case 4:* Judge Thor Anderson conditionally released Carter with \$15,000 bail and ordered him to have no contact with Victim B.

*2/2/99 Third arrest and detention order Case 2:* Judge Harry Crump issued an arrest and detention order for Case 2 and ordered the probation violation to continue with Case 4.

3/14/99 Kenneth Carter and Victim A were married.

**Case 5: Terroristic threats (felony)**

*5/5/99 St. Louis Park police report:* Victim A told police that she called Carter from a pay phone to arrange visitation with their child. He told her that he did not want to see the child, but only wanted to see her dead. She said that during the conversation, Carter threatened to kill her about 20 times and stated it would be “worth going to prison for.” Victim A told officers that she feared for her life because Carter had a history of assaults, was known to use weapons, was associated with the Gangster Disciples, and had gang tattoos. Victim A had an obvious black eye that she reported Carter inflicted. **Carter was not arrested in this case. The police report indicates officers referred this case to the Hennepin County Attorney’s Office for charging, but no record of it exists in MNCIS.**

*5/26/99 Order for protection:* Referee Milton Dunham granted an order for protection for Victim A prohibiting Carter from having contact with and committing further acts of domestic abuse against her and her children. The petition included information about the 1/21/99 assault by Carter and also stated that in the past, Carter had hit her in the face with his fist; slapped, kicked, and “choked” her; and that he had been arrested three times previously for assaulting her. The petition quoted Carter as stating, “You’d better watch your back,” “I’m going to kill you because you screwed up my life,” and, “I’m going to beat you every time I see you.”

*6/17/99 Bench warrant Cases 2 and 4:* Judge Bruce Hartigan ordered Carter to be arrested and held without bail after he failed to appear for a hearing.

*10/25/99 Outcome Cases 2 and 4:* **Judge William Howard dismissed the probation violation and continued Carter’s probation in Case 2.**

He accepted Carter's guilty plea to terroristic threats (felony) in Case 4 and sentenced him to a stay of imposition for three years. Conditions of Carter's release included: no contact with Victim B, stay away from Victim B's address, commit no additional crimes, follow the recommendations of probation, remain law abiding, no possession of weapons, maintain employment, and complete a nine-week basic skills class. The prosecutor in Case 4 was Mark Griffin, the defense attorney was I. Fay Nosow, and the supervising probation officer was Lee Trelstad.

11/3/99 *Appearance Case 3 (Carver County)*: Judge Michael Young revoked Carter's probation for failing to attend domestic abuse counseling. **Carter was ordered to serve an additional 30 days in jail and was discharged from probation.**

11/4/99 *Order for protection*: Judge Mary Beth Dorn dismissed Victim A's order for protection.

3/8/00 *First arrest and detention order Case 4*: Carter failed to remain in contact with his probation officer and court records indicate his whereabouts were unknown.

**Case 6: Assault in the second degree (felony) and prohibited person in possession of a firearm (felony)**

6/12/00 *Criminal complaint*: Minneapolis police responded to a shooting in North Minneapolis. When officers arrived, several people yelled that the suspects had just left in a truck that was in sight and driving away. Officers stopped the truck and brought the occupants back to the scene, where Victim C and witnesses told them Carter had pulled out a gun, been rushed by Victim C, and fired the gun near Victim C's head. Carter was arrested the next day and ordered by Judge Isabel Gomez to be held without bail.

6/21/00 *Appearance Case 4*: Carter admitted violating his probation in front of Judge William Howard, who continued his stay of imposition but sentenced him to serve 210 days at the Adult Correctional Facility with credit for 10 days.

6/29/00 *Order for protection*: Judge Charles Porter granted an order for protection for Victim A preventing Carter from having contact with or committing further acts of domestic abuse against her, excluding Carter from her residence and her children's daycare, and prohibiting him from calling her at work. In the petition, Victim A stated that in February 2000, Carter physically abused her by pulling her hair and kicking and punching her in the chest and face. The petition details a history of threats, including, "You better figure out how I can see my daughter or I'll kill you. A restraining order or the police can't stop me," "I'm going to come up to your job and kill you," and, "We're married until death, and if you divorce me, you'll be six feet under."

1/8/01 *Appearance Case 6*: Judge Isabel Gomez set bail at \$2,500 and ordered Carter to have no contact with Victim C.

1/26/01 *Second arrest and detention order Case 4*: MNCIS indicates Carter failed to remain law abiding, but no further information is available.

4/23/01 *Appearance Case 4*: Judge Warren Sagstuen ordered Carter's probation violation to continue with Case 6.

5/1/01 *Outcome Case 6*: **Carter was found not guilty of both charges in a jury trial** before Judge Warren Sagstuen. The prosecutor was Mark Griffin and the defense attorney was I. Fay Nosow.

8/31/01 *Appearance Case 4*: Judge William Howard continued Carter's probation as he was found not guilty in Case 6.

**Case 7: Two counts of domestic assault in the fifth degree (misdemeanor) and one count of disorderly conduct (misdemeanor)**

10/24/02 *Criminal complaint*: Minneapolis police responded to a domestic assault call in which Victim D told police that she and her live-in boyfriend, Carter, had argued and that he had punched, "choked," and kicked her. During the assault, Carter threatened to kill Victim D and her children. Officers observed swelling on the left side of her head and a scratch on the left side of her neck. Carter was not arrested, but a summons to appear in court was issued on 11/8/02 by Judge O. Harold Odland requesting bail at \$4,800 with the conditions that Carter have no contact with Victim D and he stay away from her address.

10/25/02 *Appearance Case 4*: **Judge William Howard reduced Carter's conviction on the terroristic threats charge from a felony to a misdemeanor after stating on the record that Carter "successfully completed probation."** MN Statutes 609.135 allows a felony charge to be reduced to a misdemeanor if the requirements of probation are satisfied.

1/3/03 *Appearance Case 7*: Carter was arrested (2 months after the incident) and pleaded not guilty to all charges before Judge Richard Scherer, who conditionally released him without bail.

3/4/03 *Appearance Case 7*: Judge Beryl Nord issued a bench warrant with bail set at \$1,000 after Carter failed to appear for a hearing.

**Case 8 (uncharged): Assault in the fifth degree (misdemeanor)**

4/18/03 *Minneapolis police report*: Minneapolis police responded to a domestic assault. Victim E told police that she and her boyfriend, Carter, had argued because he did not want her to go out that night. Carter "choked" her, pulled her hair, and punched her several times

in the face. Officers documented that clumps of Victim E's hair had been pulled out, but did not record any other injuries. Carter was gone from the scene when police arrived. **This case was never charged.**

4/22/03 *Appearance Case 7:* Judge Harvey Ginsberg revoked Carter's conditional release in Case 7 and ordered a bench warrant for \$9,600 due to the 4/18/03 assault of Victim E. On 4/25/03, Carter was arrested on the bench warrant; bail was ordered to stand at \$9,600.

5/8/03 *Appearance Case 7:* Judge Francis Connolly conditionally released Carter without bail on the condition that he have no contact with Victim E.

5/28/03 *Outcome Case 7:* **Carter pleaded guilty to one count of domestic assault in the fifth degree (gross misdemeanor) in front of Judge John Holahan and was sentenced to 365 days at the Adult Correctional Facility with 335 days stayed for two years and credit for 19 days. Additional conditions of his sentence included no contact with Victim D, follow the recommendations of probation, commit no same or similar crimes, and serve 11 days on a work crew in lieu of serving time in custody.** The prosecutor was Kathy Rygh, the defense attorney was Joelle Sather and the supervising probation officer was Pat Guernsey.

**Case 9 (uncharged): Assault in the 5th degree (misdemeanor)**

7/2/03 *Minneapolis police report:* Minneapolis police responded to a domestic assault call. Victim E, who was three months pregnant by Carter, told officers that her live-in boyfriend, Carter, was present when her ex-boyfriend dropped off their daughter. She stated Carter got jealous, accused her of cheating on him, and "beat her about the head and face with closed fists." Carter was not arrested. **This case was never charged.**

7/9/03 *First arrest and detention order Case 7:* Carter failed to remain law abiding and failed to remain in contact

with his probation officer.

8/1/03 *Appearance Case 7:* **Carter was arrested and ordered to be held without bail by Judge Cara Neville. Carter admitted his probation violation in Case 7. His sentence was revoked and he was ordered to serve 45 days at the Adult Correctional Facility and be placed immediately on electronic home monitoring.**

8/25/03 *Second arrest and detention order Case 7:* Carter did not report to the Adult Correctional Facility, failed to remain in contact with his probation officer, and did not complete domestic abuse counseling. He was arrested on 10/22/03, and bail was set at \$3,000.

10/28/03 *Appearance Case 7:* **Carter admitted violating his probation in Case 7 before Judge Marilyn Kaman, who revoked an additional 15 days and ordered him to serve a total of 60 days at the Adult Correctional Facility with credit for nine days.**

3/4/04 *Third arrest and detention order Case 7:* Carter failed to complete his alcohol and drug assessment, domestic abuse counseling, and 11 days on a work crew and had not reported to probation since 1/8/04.

3/31/04 Kenneth Carter and Victim A divorced.

4/21/04 *Appearance Case 7:* **Carter admitted his probation violations before Judge Regina Chu, who reinstated his probation, released him without bail, and ordered him to attend a chemical dependency treatment program.**

4/23/04 *Fourth arrest and detention order Case 7:* On 4/22/04 Carter left the chemical dependency program he was ordered to attend.

4/26/04 *Appearance Case 7:* **Carter admitted his probation violation in front of Judge Mary Steenson Dufresne, who revoked 234 days (almost eight months) of his sentence with credit for two days. He was ordered to serve his time at the Adult Correctional Facility with no work**

**release, have no contact with Victim D, follow all recommendations of probation, commit no same or similar crimes, and follow all treatment and after-care instructions.**

**Case 10 (Blue Earth County): Domestic assault (gross misdemeanor)**

12/11/04 *Criminal complaint:* Mankato police responded to a call regarding a theft. Victim F stated that her rent money (approximately \$800) and two rings were missing. She confronted Carter, who had access to her residence, about the missing items. Carter denied taking them, grabbed her around the neck, "choked" her, and threw her on the ground. Police noted redness around the base of Victim F's neck and throat and a small bump on the back of her head. Carter was arrested by the St. Peter Police Department. No arrest date or bail amount was given.

12/13/04 *Appearance Case 10 (Blue Earth County):* Judge Bradley Walker gave Carter the option of paying \$10,000 in bail without conditions or paying no bail and being released with the conditions that he have no contact with Victim F, no use of alcohol, random drug testing, make all court appearances, and remain law abiding.

7/28/05 *Outcome Case 10 (Blue Earth County):* **Carter pleaded guilty to domestic assault (gross misdemeanor) and was sentenced by Judge Kurt Johnson to six days in jail with credit for time served.**

**Case 11: Domestic assault (felony), domestic assault by strangulation (felony), terroristic threats (felony), and false imprisonment (felony)**

1/4/06 *Criminal complaint:* Brooklyn Center police responded to a call at a SuperAmerica regarding a possible kidnapping. Victim G reported she was being held against her will by Carter, who she had met about two weeks earlier. She told police that in the early morning hours of 1/1/06 Carter struck her several times in the face, "choked" her until she was unconscious, and threatened to kill her. Victim G stated



## Volunteer Notes

- I have never seen a jury selection before and expected more people to be in the gallery due to the importance of the case. I was also surprised by the lack of diversity in the jury pool.

- In felony arraignment court, the clerk announced that they were running late because they were waiting for the public defender. When he arrived, someone asked him how he was doing, and he said, "Overworked, overworked, underpaid." I don't know if the defendant or his family overheard this remark, but could see how it would make them feel uneasy about the quality of the defendant's representation.

- I was subjected to domestic violence from 1968 to 1978 and have been mothering five children ever since. As a volunteer court monitor today, it is both reassuring and comforting to see the progress that has been made in 40 years.

- The judge in criminal court did a good job today. When speaking to a defendant at a felony strangulation case, she said, "I am a judge known for revoking time, so you should know I don't give second and third chances." Also, when explaining the mandatory fine, the defendant asked, "Why do I have to pay to be on probation?" She responded, "You are costing the taxpayers a lot of money because of the offenses you are committing."

- In domestic violence court, a victim in the gallery had a swollen and blackened eye. The defendant pointed out to the other defendants that he had inflicted her injury. It was like he wanted to take credit for it and seemed proud. The deputies did not see the defendant gesturing.

While waiting for a case to start in the government center, I overheard several attorneys talking about the bench. One attorney said, "Only a couple of judges are hard working, the rest just take their time." They were also saying that they

have too many cases and not enough time.

- The judge in felony arraignment court expressed concern about the felony terroristic threats allegation for one defendant and said, "I'm very close to setting bail at \$30,000." Nevertheless, she conditionally released him. If she was really that concerned why did she give him the benefit of the doubt?

- Order for protection hearings were scheduled to begin at 8:45 a.m., but actually started at 9:25 a.m. The judge apologized for the late start time and explained they were waiting for the court reporter. It is always nice when they explain the delays to the people waiting.

- In the government center, while I was waiting for a case to start, a lawyer, a probation officer and another justice system representative were loudly discussing case information in front of twelve people in the gallery. We could also overhear the probation officer talking on the phone negotiating something for a defendant. At one point they were arguing about where a child should stay and "what to do" with the defendant. A defendant's family was sitting in front of me whispering about how they felt that court personnel were "fixing" cases. They were obviously distraught. I thought the court personnel needed to be more sensitive and discreet.

- The judge in order for protection hearings said to the petitioner and respondent, "I don't mean to rush you, but we have thirteen other cases so why don't you settle this outside?" The petitioner, the respondent and the respondent's lawyer walked out together. I wondered why the judge wasn't more concerned with the petitioner's safety? Does this have to do with the parties being upstanding, suburban-looking White folks who can settle this alone? It makes me wonder.

## Volunteer Training

WATCH's next volunteer training will be held on Saturday, February 9, 2008, from 10 a.m. – 4 p.m. in Minneapolis. Individuals interested in monitoring court hearings receive an orientation to violence against women, background information on applicable laws and procedures in these cases, and guidelines for representing WATCH in court.

Court monitor volunteers typically attend one four-hour court shift each month, so people who don't have a lot of time to spare can still make a difference. For more information, visit [www.watchmn.org](http://www.watchmn.org) or contact the volunteer coordinator at 612-341-2747, ext. 2 or [smaayif@watchmn.org](mailto:smaayif@watchmn.org).

## December Webinar

Join WATCH on Tuesday, December 11th at 11:30 a.m. for its quarterly webinar training *Creating Targeted Court Monitoring Projects*. Even if you don't have the time or resources to start a court monitoring program, you could undertake a smaller, time-limited project to examine your local criminal justice system response to violence against women.

This one-hour workshop will look at a variety of projects that you can implement on a tight budget or with limited resources. We will discuss creating defendant chronologies, time-limited monitoring projects, case reviews and summaries as well as data analysis and research. Many projects are ideal for a motivated volunteer or intern. This workshop is appropriate for anyone looking to improve their criminal justice system.

The cost is \$35 for National Association of Court Monitoring Program members and \$50 for non-members. Questions? Contact Dawn at (612) 341-2747 ext. 3 or [ddougherty@watchmn.org](mailto:ddougherty@watchmn.org).

WHAT'S A WEBINAR? A seminar transmitted over the web. All you need is a phone and access to the internet. Upon registration you will be given a phone number and web address to log-in to the training.

that she remembered nothing else until waking up in her home in Minneapolis four days later. When she awoke, Carter threatened to kill her if she left the residence or called anyone. Carter eventually took her to Fairview Riverside Hospital, but threatened to kill her and her son if she said anything to medical personnel about how she was injured. Victim G's four-year-old son was with her in the vehicle when police responded to her call. Carter was arrested at the scene; bail was set at \$25,000.

*1/19/06 Order for protection:* Judge Mark Wernick granted an order for protection to Victim G based on the allegations made in Case 11. The order prohibited Carter from having contact with Victim G or her children in person, in writing, or through a third party.

*2/10/06 Appearance Case 11:* Judge John Sommerville ordered Carter to have no contact with Victim G and set bail at \$25,000.

*3/3/06 Outcome Case 11:* **Judge John Sommerville accepted Carter's guilty plea to domestic assault (felony) and terroristic threats (felony) and sentenced him to serve 15 months with the Department of Corrections stayed for three years under the following conditions: serve 120 days at the Adult Correctional Facility with credit for 59 days; have no contact with Victim G, her family, her residence, or her place of work; obtain a chemical dependency evaluation and/or treatment; no use of alcohol or non-prescribed drugs; obtain domestic abuse counseling and anger management; follow the recommendations of probation; supply a DNA sample; obtain employment; pay restitution; and remain law abiding.** The prosecutor in this case was Andrew Small, the defense attorney was Ann Remington, and the supervising probation officer was Barbara Kommers. A WATCH volunteer was present at the sentencing hearing and noted that Judge Sommerville sternly told Carter, "You need to change and change quickly... You need more than an odd job... You haven't worked since 1998... Get off your duff and get a

job... Thirty-three years old and all you do is get into trouble... If I had known your record was so bad, I would never have agreed to this 15 month deal... This is not acceptable; you can't just go beating up women."

**Case 12 (uncharged): Assault in the fifth degree**

*6/6/06 Minneapolis police report:* Minneapolis police responded to a domestic assault call. Victim H told officers that her live-in boyfriend, Carter, had been drinking and told her he was jealous of her talking to other men. Victim H stated that Carter told her he would kill her if she ever left him and then punched her in the face. Although Carter was gone when police arrived, he called Victim H while officers were present. The report indicates that officers on the scene advised him that if he returned to the residence or was caught by police he would be arrested for domestic assault in the fifth degree. **This case was never charged.**

*1/16/07 Arrest and detention order Case 11:* Carter failed to remain in contact with his probation officer, complete domestic abuse counseling, attend anger management classes, and provide proof of employment. Carter was arrested on 2/1/07 and ordered to be held without bail.

**Case 13: Domestic assault by strangulation (felony), two counts of domestic assault (felony), terroristic threats (felony), and assault in the second degree (felony)**

*2/1/07 Criminal complaint:* Brooklyn Park police spoke with Victim I, who reported that she had been assaulted by her live-in boyfriend, Carter. Victim I stated that when she refused to have sex with Carter, he grabbed her by her hair and punched her in the face, held her down, "choked" her, punched her in the ear, and beat her with a plunger handle. During the assault, Carter told her that he was going to kill her and that he had killed people in the past. The next morning when Victim I again refused to have sex with Carter, he punched and "choked" her in front of her eight-year-old son, Victim J, whom

Carter then assaulted. Carter was arrested on 2/1/07 and was ordered to be held without bail.

**Case 14: Terroristic threats (felony) and domestic assault by strangulation (felony)**

*2/5/07 Criminal complaint:* On 12/18/06, Victim K went to the Minneapolis Police Department to report being assaulted by Carter the previous day. While driving home from a club, Carter punched Victim K repeatedly in the face and threatened to kill her if she ever left him. Victim K indicated that when she tried to "fight back," Carter stabbed her with a pen, put his hands around her neck, and started strangling her to the point that she thought she would lose consciousness. Victim K received treatment for her injuries at Regions Hospital. Carter was arrested on or about 2/7/07; bail was ordered at \$25,000.

*2/7/07 Appearance Case 13:* Judge John Holahan ordered Carter to have no contact with Victim I or her family and ordered bail to stand at \$75,000.

*2/8/07 Appearance Case 14:* Judge Francis Connolly ordered Carter to have no contact with Victim K and allowed bail to stand at \$25,000.

**Case 15: Two counts of criminal sexual conduct in the first degree (felony)**

*2/9/07 Criminal complaint:* On 1/15/07, Minneapolis police responded to a report of a sexual assault. Victim L told police she was in a relative's apartment babysitting when Carter and another man whom she knew as Cain entered the bathroom where she was taking a shower and turned out the lights. Both men then sexually assaulted her. Carter was already in custody when the complaint for this case was filed. Bail was set at \$150,000.

*2/12/07 Appearance Case 14:* Judge Patricia Karasov ordered Carter to have no contact with Victim L and ordered bail to stand at \$150,000.



3/1/07 and 3/5/07 *Appearance Cases 13, 14, and 15*: Judge John Sommerville ordered cases 13, 14, and 15 to be continued together.

6/8/07 *Outcome Case 15*: **The jury trial began as scheduled before Judge Susan Robiner, but a plea agreement was reached on 6/12/07, in which the charges in Case 15 were dismissed in exchange for guilty pleas in Case 13 to one count of domestic assault (felony) and in Case 14 to domestic assault by strangulation (felony).** The prosecutor was Judith Hawley and the defense attorney was Ann Remington.

6/28/07 *Outcome Cases 13 and 14*: **Judge Robiner sentenced Carter to 60 months in prison with credit for 148 days for Case 13 and one year and one day in prison for Case 14 to be served consecutively, totaling 72 months with credit for 148 days. He was also ordered to submit a DNA sample. Judge Robiner also revoked Carter's stayed time in Case 11 and ordered him to serve the 15 months with credit for 227 days in prison concurrent with Case 13.** At the hearing, Carter apologized to the victims in Cases 13 and 14 and his family for his actions. Judith Hawley was the prosecutor in Case 13 and Martha Holton-Dimick prosecuted Case 14; Ann Remington was the defense attorney in both cases.

Kenneth Carter's ten year history in the Hennepin County criminal justice system for domestic violence began when he was 24 years old. Eight of the nine women he victimized described assaults that included strangulation, one of which was never charged. In two cases the women were hospitalized with injuries. Since passage of Minnesota's felony strangulation law in 2005, Carter's three subsequent assaults involving strangulation have all led to felony charges.

He made repeated death threats against seven women and assaulted two when pregnant (one on the day she delivered her baby). He threatened two of the women's children with death, also assaulting one woman's eight-year old son. It is clear these women

feared for their lives and those of their children, as Carter made sure they believed he had killed others in the past.

Four of the domestic assaults attributed to Carter, one involving strangulation, and two involving threats to kill the victim, were never charged. On at least three occasions, Carter was gone from the scene when police arrived and was not pursued. In two of those cases, Carter had fled the scene but called the victim's residence after the police arrived. The officer at the scene merely advised him to "stay away."

Carter was incarcerated at least ten times from 1997 to 2006, ranging from a few days to eight months, yet during this time he repeatedly showed disdain for the justice system. He continually violated the terms of his probation by failing to complete domestic abuse intervention programs, not showing up for his assigned work crew, and failing to appear in court for hearings. While the criminal justice system gave Kenneth Carter many breaks, it did not do the same for Carter's many victims, who instead bore the brunt of the criminal justice system's leniency and short-sightedness regarding this dangerous serial abuser.

The recommendations below, while not new, could curb some of the abuses of chronically violent men like Carter.

- When suspects are gone on arrival, police should make every effort to apprehend them and conduct an investigation so charges can be brought.
- Defendants who violate the terms of their probation, especially when the violations involve further assaults, should be arrested and have their probation revoked and their sentence imposed.
- A system should be developed and implemented that gives judges and prosecutors ready access to a defendant's history of violence, including uncharged arrests, so sanctions commensurate with the crimes committed can be imposed.

## Taking guns from domestic abusers

Beginning November 1, 2007, Minneapolis police began enforcing a federal law passed more than 10 years ago that was designed to protect victims of domestic abuse from gun violence. The Brady Bill, part of the 1996 Omnibus Crime Bill, contains a permanent ban on firearms possession of anyone convicted of a misdemeanor crime of domestic violence. The ban is retroactive and lifetime, and contains no exemptions for law enforcement or military personnel.

Problems enforcing this law have been blamed on the lack of a standardized procedure for confiscating and keeping track of the guns and the lack of a secure facility for storing them. This has now changed, at least in Minneapolis, where court orders issued after a domestic abuse conviction will require the defendant to surrender firearms and ammunition to the police within three days. Any of the department's five precincts are prepared to accept the weapons. If guns are not turned in, the defendant would be considered in violation of a court order and could face sanctions.

The program was created in tandem with the Hennepin County courts and has been in the works for several years. It is a pilot project developed by a committee of judges, community advocates, attorneys, and probation officers led by Judges Kevin Burke and Regina Chu.

## Gala Fundraiser

Each year, WATCH hosts a Fall Gala fundraiser to invite individuals to support our court-monitoring program. This year's event, held on Thursday, November 8, 2007, drew a crowd of 130. Guests heard former Minnesota Supreme Court Chief Justice Kathleen Blatz talk about the importance of courts that are open to public comment and public scrutiny. If you were unable to attend, but would like to make a contribution to WATCH, please contact us at 612-341-2747, ext. 1.

## Michigan program to adapt WATCH model

This month WATCH hosted representatives from S.A.F.E Place in Battle Creek, Michigan for a two-day technical assistance training. S.A.F.E Place provides shelter, crisis services, counseling, advocacy and public education on domestic violence and is considering starting a court monitoring program.

Initially, S.A.F.E Place intern Kelly Perian spoke with WATCH staff members about our program and purchased a copy of WATCH's *Developing a Court Monitoring Program* toolkit. Several months later she called to enquire about visiting WATCH for more in-depth training. Kelly is a volunteer and the organization does not yet have a budget for developing a court monitoring program.

Luckily, S.A.F.E. Place was a perfect fit to receive funding for new and developing court monitoring programs. With the help of a grant from the Bush Foundation, WATCH was able to pay for Kelly and one of her colleagues to visit WATCH where they spent two days learning about our program, meeting our staff, visiting court and learning the steps to developing their own program.

"So few domestic violence and sexual assault programs have funding for court monitoring," says WATCH's National Project Director Dawn Dougherty. "If we can provide them with some start up assistance we can help them get into a solid position to secure their own funding. The Bush Foundation money helps us do just that."

S.A.F.E Place in Michigan agrees. "We so appreciate you helping us out," Kelly wrote after her visit. "We can't thank you enough."

## Cuts to Minneapolis Police's Sex Crimes Unit getting City Council attention

The July 2007 *WATCH Post* featured an article by WATCH founder Susan Lenfestey that looked at cuts to local government agencies and their effects on the administration of justice in Hennepin County. In her conversations with police, prosecutors and defense attorneys, Lenfestey found frustration at growing workloads and outrage at the number of victims left waiting while the crimes against them go uninvestigated and unsolved.

After the newsletter came out, *City Pages* reporter Jeff Severns Guntzel contacted WATCH about doing a follow-up story and on October 17, 2007, *City Pages* ran an article by Guntzel focusing on the Sex Crimes Unit of the Minneapolis Police Department. It reiterated some facts carried in the *WATCH Post*, such as the Unit's decline in investigators from ten in 2002 to just four today.

The article went on to chronicle sources of the unit's decimated budget. It reminded us that during Chief Robert Olson's tenure, which ended in 2003, "the city paid out an average of nearly a million dollars a year to victims of police misconduct." Then came the "cuts in federal 'Clinton Cops' funding—a late-90s initiative to put more cops on the street—which meant officers who left the force weren't replaced."

He further describes how "Under the Bush administration, funding has all but dried up, down roughly 90 percent from its peak." And, "The 'Clinton Cops' cuts were felt acutely under [Chief Bill] McManus as the number of sworn officers in Minneapolis fell from an all-time high of 930 in 1998 to 785 in 2005... the number is hovering around 850 now."

Showing the devastating effect of the cuts on victims of sexual violence, the article quotes Donna Dunn, Executive Director of the Minnesota Coalition Against Sexual Assault, "...it is very rare for a victim to come forward and report a sexual assault. What I see this meaning is, on those rare instances

that someone says, 'I'm going to report this,' the system is not able to respond."

In a follow-up article posted on the *City Pages* website on October 31, 2007, Guntzel reported on a Minneapolis City Council meeting during which council members asked the police department to provide them with information on the effectiveness of its investigative units that deal with violent crime.

In that posting, Guntzel printed quotes from letters two city council members sent to their constituents. Councilmember Cam Gordon: "This article and conversation have strengthened my resolve to resist the pressure to commit a larger and larger portion of our police resources to patrol. Right now, 75 percent of our officers are assigned to patrol. I am interested in having an open, public discussion about whether that's the right balance." Councilmember Gary Schiff: "It doesn't make sense for a city to under-staff investigative units in favor of claiming there are more cops on the street."

We are glad to see an article in the *WATCH Post* lead to a further discussion of the effects of these cuts and what steps could be taken to ensure that violent crimes receive the types of investigations needed to solve them.

*WATCH thanks the City Pages for permission to reprint excerpts from its articles here.*

Correction: The Minneapolis Police Department's website lists the number of registered sex offenders in Minneapolis as "over 1300." WATCH's July article put that number at 2500. We apologize for the error.

## Thumbs up/thumbs down



**Thumbs up** to the women's support group in southern Tajikistan that used U.S. funding to launch the nation's first shelter for battered women. At least 60 women have sought help at the shelter since it was established last summer, and 700 more have contacted the hotline. The facility can house 12 people, and authorities in northern Tajikistan have announced plans to donate part of a local hospital to a new shelter.



**Thumbs down** to the folks in Erskine, Minnesota, who placed a plaque in the city park to honor youth coach David DeFrang. Choosing to focus on DeFrang's years of coaching and support of the city's softball park, they ignored the fact that he murdered his former fiancée. In January 2005, two weeks after Tina Gerving broke off their engagement, DeFrang shot her to death with a handgun and then killed himself. The coordinator of the effort to install the memorial plaque described the murder-suicide as "one of those things that is impossible to explain."



**Thumbs up** to founders of Pink Taxi, a Moscow taxi service run by and for women. Tired of the number of sexual assaults and rude behavior by male taxi drivers toward women, three women real estate agents quit their jobs and started the small company. Their goal is to "solve the safety problem women run into in taxis," according to one of the founders. Similar services operate in London, Tokyo, and New York.



**Thumbs up** to ten mothers, one (now adult) child, and six U.S. organizations for filing a petition before the Inter-American Commission for Human Rights (IACHR). The group alleges a pattern and practice of U. S. courts violating the human rights of women and children by ordering children into the custody of parents who have abused or molested them.

The U.S. is a member of the Organization of American States, who adopted the American Declaration of the Rights and Duties of Man (sic) at its ninth international conference in 1948. The petition enumerates 10 violations of articles in the Declaration and seeks a statement of the steps the U.S. must take to comply with its human rights obligations to battered women and their children in child custody cases. Previous efforts to protect children of battered women from being placed with abusers, including litigation, legislation, education, and advocacy, have been largely unsuccessful, and we hope this international effort will result in pressure on the courts to change.



**Thumbs down** to the MN Supreme Court for throwing out the May 2006 conviction of Johnny J. Clark for the crime of domestic-abuse murder in the shooting death of his long-time girlfriend. Prosecutors documented five separate incidents of domestic abuse, two that occurred 13-15 years earlier and three that occurred in the year before the murder, and a Dakota County jury found Clark guilty of premeditated murder and domestic-abuse murder.

The Supreme Court threw out one of the incidents as evidence, and ruled that because the reported incidents happened across a span of 15 years, there was inadequate evidence to establish such a pattern or to determine that the abuse was a "regular way of acting." Because the conviction on pre-meditated murder still stands, the ruling will not have an effect on Clark's sentence.

WATCH agrees with those who are disappointed in the court's analysis, as it fails to account for the reality of domestic violence. Requiring that a "pattern of abuse" includes repeated assaults ignores the dynamics that make domestic abuse so devastating.

Once an act of violence by an intimate partner occurs, a long time may elapse before the next assault, but

the dynamics of control through fear are firmly established. Only when the courts base rulings on an understanding of what victims of domestic violence face every day of their lives will the results provide true safety.

## Congratulations to Hennepin County court staff

Congratulations to Judges Heidi Schellhas and Francis Connolly for their recent appointments to the State Appeals Court. Judge Connolly was appointed to the bench in 1998 and has been presiding judge of the Fourth Judicial District's civil division since last year.

Since August 2006, Judge Schellhas has led Hennepin County's Domestic Violence Court and served as co-chair of the Hennepin County Family Violence Coordinating Council and chair of its Domestic Violence Steering Committee. WATCH has had frequent contact with Judge Schellhas during her tenure, and she has been very approachable and responsive to input on ways to improve the court's response to domestic violence cases.

Congratulations also to Mary Kay Long for receiving the Judge Ann Simonett award for excellence in service. Mary Kay, who has been in her position for 11 years, is one of the first people WATCH volunteers meet when they begin monitoring. She provides us with information every day about government center appearances, and we depend on her for copies of calendars and schedule changes, which she has waiting for us every morning. We have gotten so used to her competence and promptness that her absence is always conspicuous.



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## Individual donors provide significant support to WATCH

Since last April, WATCH staff and board have been hard at work on a campaign to increase donations from individuals and encourage new donors to support our work.

We set a goal of raising an additional \$50,000 a year from individuals for the next three years to support training and technical assistance to court monitoring groups around the country; fund the Lois Bishop student of color internship program; and allow us to conduct projects such as assessing the impact of the new felony strangulation law.

As of October 31, we are well on our way to reaching our goal, having secured \$31,000 a year for the next three years. Volunteers and board members have shown great support by hosting small gatherings in their homes to introduce new people to WATCH, generate greater awareness of the justice system, foster support of our mission and ask for financial contributions. If you are interested in joining this campaign, please contact the WATCH office at 341-2747, ext. 5. As always, we are grateful for your support and hope you will include WATCH in your year-end giving this year.

## Individual Donor Campaign Goals

### National Expansion

WATCH formed the National Association of Court Monitoring Programs to improve the effectiveness of court monitoring groups around the country. Through the association we provide quarterly web-based seminars on court monitoring topics; issue a bi-monthly e-bulletin *Court Monitoring Connection* to over 400 people; and provide phone, email, and on-site technical assistance to new and established court monitoring groups around the country.

### Louis Bishop Student of Color Internship program

Established in 2006 in memory of WATCH board member and donor Lois Bishop, the internship program provides valuable hands-on courtroom experience to students considering careers working to end violence against women and children and improving the justice system. This program contributes to WATCH becoming a stronger and more diverse organization.

### Targeted Monitoring and Research Projects

Each year, WATCH conducts monitoring projects to more closely analyze a particular court or set of practices and identify solutions that promote greater accountability for offenders and safety for victims of violence. Our reports and recommendations are taken seriously by members of the justice system and lend credibility to WATCH as we promote our monitoring model around the country.