

## **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 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.”<sup>1</sup> 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.**

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<sup>1</sup> Items in quotation marks are taken directly from court documents or police records.

#### **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.<sup>2</sup>**

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**

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<sup>2</sup> Minnesota Criminal Information System

**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 5<sup>th</sup> 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 Super America regarding a possible kidnapping. Victim G reported she was being held against her will by Carter, whom 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 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 shortsightedness 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.