

year. Who can measure that cost?

One definition of insanity is repeating the same thing over and over again expecting to get different results. When domestic abusers rotate through the justice system with no consequences and no results, the system must try something new. The success of victimless prosecution in Quincy and other jurisdictions should prompt Hennepin County to adopt the same policies here -- not just in one police precinct, but district-wide. Unchecked violence in the home bears a price tag none of us can afford.

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Court Update

by Cindy Kraemer

Sentencings

Henry Reyes-Duben was found guilty by a jury of 4th degree criminal sexual conduct (CSC). He was sentenced by Judge Leung to serve 21 months at St. Cloud. This sentence will be stayed for five years if he follows these conditions: register as a sex offender, complete sex offender treatment, have no contact with the victim, no criminal activity, no drug or alcohol related charges, follow recommendations of probation, comply with random urinalysis tests, and serve 123 days at the Adult Correctional Facility (ACF), with credit for 123 days already served.

Charles Edward Kennedy was found guilty by a jury of two counts of attempted 1st degree CSC for sexually assaulting his girlfriend's daughter. The trial took place in front of Judge Lynn who merged the two counts and sentenced Kennedy to serve 43 months at Stillwater. Kennedy also had two more active charges pending, one for domestic assault and the other for allegedly sexually assaulting the same juvenile victim again. Both of these charges were dismissed at his sentencing.

Trials

David Wilford Decoteau was charged with three counts of felony false imprisonment, and three counts of gross misdemeanor malicious punishment of a child. The criminal complaint indicates he used duct tape to bind the arms and knees of his seven year old godchild and made her stand in a crouched position off and on for three days. He also withheld food and water from her and hit her with a spoon and belt if she fell over. Decoteau called this "punishment" skiing and made the child stand in that position so long that it was difficult for her to walk afterwards. The girl's school called the police because she had numerous marks and bruises on her body. Decoteau pled guilty to two counts after jury selection started in front of Judge Holahan. Sentencing is scheduled for December 16, 1996.

Jeffrey Paul Dale has been charged with 2nd and 4th degree assault and attempted 2nd degree CSC. The criminal complaint alleges he assaulted a woman who tried to help him look for his lost wallet. They had both been on the beach and when she entered the woods he grabbed her upper body and held a knife to her neck and said, "Shut up, bitch. Don't say a word or I'll cut

your throat." She struggled with him and when he removed his shirt she was able to escape and run back to the beach. She found two women fishing at the beach and yelled to them, "He's trying to kill me! He's got a knife." One of the women was an off-duty Minneapolis police officer and she observed blood on the woman's hands and legs. As the man came out of the woods she identified herself as a police officer and attempted to search him for the weapon. He hit the officer in the face with a closed fist and ran. She was unable to catch him at that time but he was apprehended later. He has two prior CSC convictions, one from 1986 and another from 1988. The trial is taking place in front of Judge Kerr Karasov.

Hayden Michael Richards was charged with 1st degree CSC, aggravated robbery, and kidnapping. It was alleged he struck an adult woman several times, then forced her to perform oral sex on him. Afterward he allegedly stole her jewelry. This case was tried in front of Judge Burke and a jury found Richards not guilty on all three counts.

Domestic Violence Chronology

I started including these histories because I realized that although we report on trials and sentencings in this section, so few domestic violence cases go to trial that they are under-represented here. The largest percentage of the cases we monitor are domestic violence cases and most of them are resolved with a plea agreement. In an effort to let you know some of the outcomes I'll continue to include samples here.

Allan Craig White has been charged with domestic violence related crimes 19 times. Ten of the charges were dismissed. He was sentenced on seven of them and two are still pending. All of the assaults were on the same KAF (known adult female) and/or her children. The police have been called to her home 36 times since 1990 on domestic violence 911 calls.

#1 March 1988

5th degree assault

Misdemeanor

Outcome: Pled guilty and was sentenced to serve 90 days but this would be stayed for 365 days if he was not charged with trespassing.

#2 May 1989

5th degree assault

Gross Misdemeanor

3rd degree damage to property

Disorderly conduct

Criminal complaint: Officers arrived at the residence and heard yelling from outside the home. A passerby told officers that a man inside had been assaulting a woman. White and a KAF argued and he hit her on the body with his fists and threw her and the children out of the apartment. She told officers that she was afraid of him because he had assaulted her and the children in the past. Officers spoke with a neighbor who had been present and saw him hit the KAF and further verified her story. He was placed in the back of the squad where he kicked out the rear passenger

window, completely shattering it.

Outcome: Judge Rice June 1989

Counts 2 and 3 were dismissed and he pled guilty to count 1 and was sentenced to serve 90 days at the ACF, credit 39 days with no work release.

#3 January 1991
5th degree assault Gross Misdemeanor
5th degree assault

Criminal complaint: The KAF told the police she and White have two children but have been separated for four years. They had an argument and he grabbed a serrated steak knife and threatened to stab her. She ran to the bathroom and he pursued her and slashed out at her with the knife, causing a laceration to her left hand which later required three stitches. He also bit her on the face and punched her in the back, causing black and blue bruises and very sore ribs. While the officers were there they heard him say to her "I'm going to get you".

Outcome: February 1991

This case was dismissed in front of Judge Alton.

#4 April 1991
5th degree assault Misdemeanor

Outcome: April 1991

This case was dismissed in front of Judge Farrell.

#5 October 1991
5th degree assault Gross Misdemeanor
Disorderly conduct

Criminal complaint: The KAF told officers that she and her sister were in her apartment when White came over to get their children. She refused to let him take them because he was drunk. He became verbally abusive and called her a bitch, and said "I'm going to kill you if you don't give me the children." He picked up a glass jar full of change and hit her between the eyes with it and kicked her in the left rear calf area, causing severe pain. He then put both his hands around her neck and choked her to the point where she was unable to breathe. He then left. Officers observed she limped severely, was talking with an extremely hoarse voice and that there was a medium-size lump on her forehead just above the bridge of her nose. He entered the home while the officers were there and he was arrested.

Outcome: July 1992

This case was dismissed in front of Judge Lynn.

#6 May 1992
5th degree assault Gross Misdemeanor
Disorderly conduct

Complaint: The KAF went to a neighbor's home and asked them to call the police. When the police arrived she told them that White had grabbed her around the throat. She said he had a drug problem and he got mad when she would not give him her paycheck. She had a small visible cut on her mouth.

Outcome: July 1992

This case was dismissed in front of Judge Lynn.

#7 August 1992
5th degree assault Misdemeanor
Outcome: September 1992

This case was dismissed in front of Judge Fitzgerald.

#8 August 1992
5th degree assault Gross Misdemeanor
Disorderly conduct

Complaint: The police responded to a call about an assault. At the scene the KAF said White had punched her in the face and was currently inside the apartment. The officers observed swelling on her lower lip. She told them he had recently been released from jail where he had been because of the August 1992 alleged assault. One of the conditions of his release was that he was to have no contact with the KAF.

Outcome: Judge Fitzgerald September 1992

White pled guilty to 5th degree assault and the other count was dismissed. He was sentenced to 180 days at the ACF, but this time would be stayed for two years if he followed conditions set by the court: complete the domestic abuse program, follow recommendations of probation, alcohol treatment if necessary, and no same or similar offenses. At this sentencing Judge Fitzgerald told him, "...you know as long as there's been men and women there have been these problems that existed....In your situation though, believe me if you get in some kind of a confrontation with [KAF] or your girlfriend or whoever it might be, have in mind that if you get physical again and it comes back in front of me, you're going out to the workhouse for 180 days. Sure, sometimes the aggravation gets so great you can't stand it, but I'm telling you, just have in mind this guy sitting up here with the black robe, I'll send you to the workhouse."

#9 August 1993
5th degree assault Gross Misdemeanor
5th degree assault
Disorderly conduct

Criminal Complaint: The police responded to a call and were told by the KAF that White had become angry with her and hit her on the top of her head with a bottle of whiskey.

Outcome: September 1993

This case was dismissed in front of Judge Campbell.

#10 November 3, 1993
5th degree assault Misdemeanor
5th degree assault
5th degree assault
Disorderly conduct

Complaint: The police responded to a domestic violence call. At the scene they were told by the KAF that White came home and began yelling and screaming obscenities at her and their daughter. He pushed her and hit her on the left side of her head at ear level with his fist. He also grabbed their daughter's hair and pulled on it. Officers were unable to speak with the daughter as she was extremely upset and crying hysterically. While officers were interviewing the KAF he interrupted the officers by yelling and screaming at her and calling her names.

Outcome: Judge Mabley November 1993
Counts 1,2, and, 3 were dismissed and he pled guilty to 4. He was sentenced to 90 days at ACF with 76 days stayed for one year with conditions of: violence counseling, no same or similar charges, follow recommendations of probation, credit eight days in jail, serve time on three consecutive weekends. This sentence was never revoked despite three new convictions that occurred during this probationary period and Judge Fitzgerald's sentence was not revoked despite this new conviction.

#11 November 19, 1993
5th degree assault Gross Misdemeanor
5th degree assault
Disorderly conduct

Criminal complaint: The police responded to a domestic assault call and spoke with the KAF who said she and White had fought and he broke a lamp. She became fearful that he would harm her because of the long history of physical abuse by him. Then another argument broke out and he struck her on the head, hurt her eye, forced her onto the bed and choked her. The police said he has been arrested on 13 occasions since June 11, 1991 for domestic assault involving this same KAF.

Outcome: February 1994
This case was dismissed in front of Judge McKinsey.

#12 June 1994
5th degree assault Gross Misdemeanor
5th degree assault
Disorderly conduct

Criminal complaint: During an argument White grabbed the KAF and tried to push her out a second story window. She was halfway out the window when he released her and threw a fan out instead. He then told her "Bitch, I'll make you another O.J. Simpson's wife."

Outcome: August 1994
This case was dismissed in front of Judge Wexler.

#13 December 1994
5th degree assault Misdemeanor

Outcome: January 1995
This case was dismissed in front of Judge Hedlund.

#14 February 1995
5th degree assault Misdemeanor

Outcome: February 1995
This case was dismissed in front of Judge Justman.

#15 March 16, 1995
5th degree assault Gross Misdemeanor
5th degree assault
5th degree assault
5th degree assault

Criminal complaint: White showed up at the KAF's place of employment. She went outside with him. When they returned

she went upstairs and he went into the basement apartment where he accused a man of having sexual relations with the KAF. He then assaulted the man, striking him in the mouth as he grabbed him around the neck in a choking grip and pushed him down on the couch. Another man pulled him off of the KAM (known adult male) who then went upstairs while White remained in the basement swearing and threatening people. The KAF returned to the basement and he assaulted her. Officers arrived and observed a lump on her forehead, small cuts and swelling in multiple areas on her face, and marks around her neck indicating she had been choked. The KAM had a cut lip. Both men said they tried to restrain him but he was able to break free and punched the KAF several times in the mouth.

Outcome: Please see below -July 28, 1995 sentencing with Judge Scherer

#16 March 24, 1995
5th degree assault Misdemeanor
5th degree assault
Disorderly conduct

Outcome: Judge Oleisky April 1995
White pled guilty to one count of 5th degree assault and the other two counts were dismissed. He was sentenced to serve 90 days with 79 days stayed with conditions of no same or similar charges, no contact with the KAF, and follow recommendations of probation. In May 1995 he had contact with the KAF and the Judge revoked ten days of his stayed sentence. See below July 28, 1995 sentencing/revocation.

#17 July 1995
5th degree assault Gross Misdemeanor
5th degree assault Misdemeanor
Disorderly conduct
Violation of an Order for Protection
Driving after suspension

#17 Outcome: Judge Scherer July 28, 1995
He pled guilty to one count of 5th degree assault and all the other counts were dismissed. He was sentenced to 365 days at the ACF. Two hundred ninety-five days of this time would be stayed for two years with the same conditions: no contact with the KAF, follow recommendations of probation, serve 70 days at the ACF (this is to be served concurrently with his revocation) with a credit of nine days. If this sentence is revoked it is to be served consecutively to any new charge.

#15 Outcome White pled guilty to one count of 5th degree assault as a gross misdemeanor, and the other three counts were dismissed. He was sentenced to serve 365 days at the ACF. This sentence was stayed for two years with the condition of serving this time consecutively with any sentence on a new charge.

#16 Revocation the remaining 69 days of this sentence were revoked at this time.

#18 July 20, 1996
5th degree assault Felony

Criminal complaint: At 5:00 pm White came over and argued with the KAF and struck her in the left ear with his fist

causing her to have a perforated eardrum. He then left and returned at about 11:40 pm the same night. When he arrived the KAF was lying in bed and he started yelling at her about having an affair, and grabbed her, pulled her off the bed, and struck her with an unknown object in the back of the head. He told her "die bitch." He then unplugged the phone from the bedroom and took it out to the living room where he passed out on the couch. After he passed out she came out and got the phone and called the police. When the police arrived they observed that there was a small cut on the back of her head that was bleeding and noted that she was complaining of having problems with her hearing. They arrested him at the scene.

July 22, 1996 Judge Wexler First Appearance
At this appearance Judge Wexler reduced White's bail from \$4,199 to no bail required with conditions, some of which were: no contact with the KAF, random urine analysis tests, no chemical use, contact with his probation officer twice a week, no assaults, stalking or harassment. It appears that his bail evaluation score was 58 (a score of eight or below is the usual range for no bail required). This charge violates the conditions of his prior sentences to Judge Scherer but it was continued along with this new offense without the Judge's knowledge.

#19 July 23, 1996
5th degree assault Felony
Criminal complaint alleges: At 7:00 am the KAF was asleep in her bed when she was awakened by White punching her in the head. He threatened her and fled before the police arrived. He had just been released from jail where he had spent the weekend after allegedly assaulting the same KAF.

July 24, 1996 Judge Wexler First appearance
White appeared in court where Judge Wexler increased his bail on the new offense from \$1,200 to \$2,000 and gave him the same conditions as before. White posted the bail and was released. Again this charge violated conditions set on his prior sentences by Judge Scherer but those matters were continued along with the new offenses without Judge Scherer's knowledge.

Aug. 23, 1996 Judge Lindberg Preliminary Appearance
White failed to appear for court and a bench warrant was issued for him.

October 23, 1996
He was picked up on the bench warrant.

October 30, 1996 Judge Eagon Bail hearing
White's attorney requested that he be released to in-patient treatment with similar conditions as before but that he complete treatment on an in-patient basis. This motion was granted.

November 21, 1996 Judge Gomez Probable Cause Pretrial
His attorney did not show up at this hearing so it was continued to January 7, 1997.

As we go to print it appears there are two reasons why White is out of custody: one, the change in treatment from in-patient to out-patient and two, he has yet to make an appearance in front of Judge Scherer on his two stayed sentences despite the fact that the two new alleged offenses violate them. We believe this outcome is a consequence of a breakdown in communication (much too frequently seen, from our perspective) rather than the intent of the individual judges before whom White has appeared. Regardless of the reasons, White remains out of custody for the holidays. This is a sobering result that we will continue to address in next month's "WATCH Post."

Felony Cases Charged in Hennepin County
There were 27 CSC charges and 34 domestic violence charges in October.

Volunteer Notes
To the Watchmakers
Maureen Kelly Neerland

Happy Holidays to all of our WATCH volunteers. May you enjoy a peaceful and healthy new year. Thank you again for your dedication to our mission, your diligence in completing your work, and your positive attitudes as I speak with you on the telephone, work with you in the courtroom, or plan programs with you. What a great group of people you are!

"American Prisons," the 1996-1997 WATCH Program Theme, continues with:
"Gender Issues in the Correctional System"
Mary Scully Whitaker, Director of Planning for Female Offenders, Minnesota Department of Corrections

THURSDAY, JANUARY 16, 1997
11:30-1:00
Look for more details in the January "WATCH Post".

1997 THIRD THURSDAY PROGRAM DATES:
January 16, February 20, March 20, April 17, and May 15
Join us!

NOVEMBER VOLUNTEER HOURS: 235 HOURS

THANK YOU!
