

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. fax	Sacramento Police Department Homicide Media Information [Personally Identifiable Information] [partial] (1 page)	01/20/1996	b(6)
002. bulletin	Internal Wanted Persons Bulletin (1 page)	01/19/1996	b(7)(E), b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Jose Cerda
OA/Box Number: 16953

FOLDER TITLE:

Domestic Violence: Cases

2016-0931-S

rc2258

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

LEVEL 1 - 1 OF 8 STORIES

Copyright 1996 Bergen Record Corp.
The Record

July 29, 1996; MONDAY; ALL EDITIONS

DANNY
KING
FILE

SECTION: OPINION; Pg. A13

LENGTH: 785 words

HEADLINE: TAKING GUNS AWAY FROM BATTERERS WILL SAVE LIVES

SOURCE: Wire services

BYLINE: FRANK R. LAUTENBERG JR.

BODY:

DURING THE 19th century, it was legal in many jurisdictions for a man to beat his wife with a stick, as long as that stick was no thicker than his thumb. That's how the term "rule of thumb" originated. Looking back, it seems cruel and barbaric. Today, we don't allow a man to threaten his wife with a stick. But unbelievably, many men who are convicted of domestic violence crimes are allowed to wield a gun.

Currently, federal law generally prohibits anyone convicted of a felony, which is a crime punishable by at least one year in prison, from owning or possessing a gun. Unfortunately, because of outdated attitudes, outmoded laws, or outlandish plea bargains, many people who are convicted of spousal or child abuse are ultimately convicted of misdemeanors, not felonies.

These abuser, who have endangered those closest to them and who frequently have a history of violent behavior, are still allowed under federal and state laws to own firearms.

A woman is battered in this country every 12 seconds. Ten times more women are victimized annually by domestic violence than are diagnosed with breast cancer, and those are just the reported cases of abuse.

According to a study in the New England Journal of Medicine, in households with a history of battering, the presence of a gun increases three-fold the chance that a woman will be murdered. According to FBI data, nearly 3,500 women and children will die this year as a result of domestic violence at the hands of men who once claimed to love them.

Sixty-five percent of those women will be killed by firearms.

Consider the case of Marilyn Garland of Summit County, Ohio. No dry statistic or meaningless abstraction, Marilyn's story is a tragic example of what happens in all 50 states virtually every day.

On March 26, 1994, Danny King came home to Marilyn, his common-law wife, the mother of his 3-year old son, in a state of rage. But he



LEXIS·NEXISTM
A member of the Reed Elsevier plc group



LEXIS·NEXISTM
A member of the Reed Elsevier plc group



LEXIS·NEXISTM
A member of the Reed Elsevier plc group

didn't come home alone. He was carrying a gun. King fatally shot Marilyn, stuffed her body in a barrel, burned it, and finally dumped it into the Tascarawas River. This wasn't the first act of domestic violence King had committed, only the most heinous. He had been convicted in 1990 and 1991 of misdemeanors involving domestic violence.

However, because these prior convictions were not felonies, federal law allowed King to possess a gun.

Marilyn's death, and thousands of others, would not have happened without a gun. So for me, it's simple; I want to take guns out of the hands of abusers. Those guilty of domestic violence should be banned from possessing firearms. If you beat your wife or child, you should lose your gun.

It's particularly urgent because the courts often do not treat domestic violence as a serious crime. In 1994, Kenneth Peacock shot his wife in the head after several hours of arguing. On a plea agreement, Peacock pleaded guilty to involuntary manslaughter. Baltimore County Circuit Court Judge Robert B. Cahill sentenced him to only 18 months, to be served on work release and community service. At sentencing, the judge remarked, "The most difficult thing a judge is called upon to do . . . is sentencing non-criminals as criminals."

Women and children are battered and assaulted in their own home, and it's not treated as seriously as a barroom brawl. Due to plea bargains, the batterer is sentenced to a misdemeanor, while the person who struck another patron in a saloon is doing felony time in prison.

The Senate last week passed my measure to prohibit anyone convicted of a crime involving domestic violence from owning or possessing a firearm. It was attached as an amendment to an anti-stalking bill, which I co-sponsored, that extends an existing federal law that prohibits individuals from crossing a state line to injure or harass a family member, if the intended victim has reason to fear death or bodily injury. The bill would apply this prohibition to persons other than family members.

If we are serious about shielding women and children from stalkers and abusers, we should take the gun from the hands of abusers who threaten these innocent victims. The bill now goes to the House of Representatives, which should act quickly to pass it and send it to the president for his signature.

Our homes should be places of safety and security. Unfortunately, for many women and children who suffer in silence, home is a place of danger and death. We need to ensure that every innocent child or terrorized woman enjoys the fullest protection of the law. There is no reason why wife beaters and child abusers should have guns.

LANGUAGE: English



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

LEVEL 1 - 2 OF 8 STORIES

Copyright 1995 Plain Dealer Publishing Co.
The Plain Dealer

August 31, 1995 Thursday, FINAL / MEDINA / SUMMIT / PORTAGE

SECTION: METRO; Pg. 2B

LENGTH: 110 words

HEADLINE: MEDINA . SUMMIT . PORTAGE AKRON

BODY:

SLAYER'S CONVICTION UPHELD

Danny King, who was convicted of shooting his wife to death and burning her corpse in a barrel, lost his bid to have his case overturned. The 9th District Ohio Court of Appeals rejected King's contentions that a jury should not have been allowed to hear about his prior convictions for abusing his common-law wife, Marilyn Garland.

King, of Barberton, was convicted of murder with a firearm specification and abuse of a corpse in the 1994 slaying of Garland, 34. He was sentenced to 15 years to life in prison for murder, plus three to five years for abusing a corpse. He also was given a three-year sentence for using a firearm.

LANGUAGE: ENGLISH

COLUMN: Medina . Summit . Portage

LOAD-DATE: September 1, 1995



LEXIS·NEXIS[™]

A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]

A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]

A member of the Reed Elsevier plc group

LEVEL 1 - 3 OF 8 STORIES

Copyright 1994 Plain Dealer Publishing Co.
The Plain Dealer

July 26, 1994 Tuesday, FINAL / MEDINA / SUMMIT

SECTION: METRO; Pg. 2B

LENGTH: 378 words

HEADLINE: COURT IS SHORT ON MERCY ;
BARBERTON MAN GETS LIFE TERM, ORDERED TO TELL WHERE BODY IS

BYLINE: By DEBRA DENNIS; PLAIN DEALER REPORTER

DATELINE: AKRON

BODY:

Danny King apologized yesterday for killing his live-in girlfriend and asked the judge sentencing him to show him mercy.

Instead, Summit County Common Pleas Judge Patricia Cosgrove lashed out at him for refusing to tell police where he dumped Marilyn Garland's body.

"This court is going to give you the same consideration that you gave Marilyn Garland when you put a gun to her head and shot her at point-blank range. None.

"You say that you are sorry for what you did. If you are truly sorry, then you will tell the police where you put her remains in the Tuscarawas River. The family of Marilyn Garland deserves to have her remains and to give her a decent burial."

Cosgrove ordered King held in the Summit County Jail for five days before he is shipped off to prison. She ordered him to show Barberton police where he dumped Garland's remains.

King, 36, of Barberton, winced as he stood in front of the judge but otherwise did not react.

He had apologized for "the trouble he caused the county, the families and the community."

However, his apology did not sit well with Cosgrove. The judge sentenced King to the maximum sentence of 18 years to life imprisonment for murder and an additional three to five years for abusing Garland's corpse.

King said he shot Garland in self-defense at their Canal St. home in Barberton. He also admitted burning her body in a 55-gallon drum and disposing of her remains in the Tuscarawas River.

Garland, 34, was killed March 26 and parts of her remains were found in a drum near the river three weeks later. Prosecutors said King killed her because



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

The Plain Dealer, July 26, 1994

he believed she was dating someone else.

Cosgrove told King that his actions rendered parentless the couple's 3-year-old son, Cody.

"As a result of your coldblooded act, you have now deprived your little son of not only his mother, but also his father," the judge said.

Cody has been placed temporarily in the care of his maternal uncle and aunt, Jim and Carol Francis.

Jim Francis said he and his wife hoped to gain full custody.

"Cody knows his mom's in heaven. We're not sure what to say about his dad. He (Cody) did make the statement that 'My daddy killed my mommy.' We're not sure how much he understands. He says he misses his mom.'

LANGUAGE: ENGLISH

LOAD-DATE: July 27, 1994



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

LEVEL 1 - 4 OF 8 STORIES

Copyright 1994 The Dayton Daily News
The Dayton Daily News

July 24, 1994 SUNDAY, CITY EDITION

SECTION: METRO, Pg. 2B

LENGTH: 441 words

HEADLINE: STATE DIGEST

BYLINE: FROM WIRE SERVICES

BODY:

INMATE SAYS VOICES PROMPTED ATTACK ON DAHMER: A prison inmate in Portage, Wis., tried to murder serial killer Jeffrey Dahmer because "voices" told him to do it and he hoped the action would get him sent back to Cuba, a criminal complaint says. The complaint filed Friday in Columbia County Circuit Court against Osvaldo R. Durruthy, 36, accuses him of attempted first-degree intentional homicide in the July 3 attack in a prison chapel.

MAN WANTS RETURN OF CONFISCATED \$ 23,000: A Cincinnati man told a judge that police had no reason to search his luggage a year ago at the Cincinnati/Northern Kentucky International Airport and seize \$ 23,000. John Williams, 57, now wants his money back. He said police improperly searched his luggage before he was to board a Delta Air Lines flight for New York City on July 3, 1993.

LIGHTNING VICTIM OUT OF COMA: A Warren man struck by lightning and revived by his physician brother came out of a coma Friday. Bill Dlwgosh, 48, a high school science teacher, was struck Wednesday afternoon while he and his three brothers were hiking at about the 6,500-foot level of the Chiricahua Mountains, about 100 miles southeast of Tucson, Ariz. Bob Dlwgosh, 37, a physician at Fort Huachuca in Sierra Vista, applied cardiopulmonary resuscitation for about 20 minutes until the lightning victim was revived.

EX-FOOTBALL PLAYER TURNED DENTIST FREED ON BOND: David W. Mays, a former Cleveland Browns' quarterback, convicted of defrauding the welfare system at his dental office has been released on \$ 100,000 bond to await his appeal. Dr. Mays of Shaker Heights was convicted of welfare fraud in May. The Ohio Supreme Court set bond on Monday for Mays, who had been denied bond by the trial judge. He was convicted on 36 felony counts in a scheme in which he billed Cuyahoga County \$ 2.7 million for dental procedures he never performed.

MAN GETS LESSER COUNT IN MURDER OF GIRLFRIEND: A man in Akron charged with



LEXIS·NEXIS™

A member of the Reed Elsevier plc group



LEXIS·NEXIS™

A member of the Reed Elsevier plc group



LEXIS·NEXIS™

A member of the Reed Elsevier plc group

The Dayton Daily News, July 24, 1994

aggravated murder in the shooting death of his girlfriend was convicted of a lesser count of murder. A Summit Common Pleas jury also convicted Danny King, 36, of Barberton of abuse of a corpse for trying to burn the body of Marilyn Garland, 35, and breaking up her bones. He faces a sentence of 15 years to life.

LORAIN COUNTY MAN KILLS NEIGHBOR OVER LOUD MUSIC: A Lorain County man has been sentenced to seven to 25 years in prison for killing an apartment neighbor over loud music. Lorain Common Pleas Judge Edward M. Zaleski sentenced James A. Walton, 53, of Elyria, on Friday on his voluntary manslaughter conviction in the death last Oct. 18 of Willie J. White, 32.

LOAD-DATE: September 1, 1994

**LEXIS·NEXIS**

A member of the Reed Elsevier plc group

**LEXIS·NEXIS**

A member of the Reed Elsevier plc group

**LEXIS·NEXIS**

A member of the Reed Elsevier plc group

LEVEL 1 - 5 OF 8 STORIES

Copyright 1994 Plain Dealer Publishing Co.
The Plain Dealer

July 23, 1994 Saturday, FINAL / ALL

SECTION: METRO; Pg. 3B

LENGTH: 318 words

HEADLINE: BARBERTON MAN, 36, FOUND GUILTY OF MURDERING GIRLFRIEND

BYLINE: By DEBRA DENNIS; PLAIN DEALER REPORTER

DATELINE: AKRON

BODY:

Danny King, who admitted he shot his girlfriend in the head, placed her body in a barrel and burned it for eight hours, was found guilty yesterday of murder.

Prosecutors had sought an aggravated murder conviction for the 36-year-old Barberton man. But King testified Thursday that he shot Marilyn Garland after she attacked him with a butcher knife.

Jurors deliberated three hours before reaching a verdict on a lesser charge. The panel also found King guilty of abusing the corpse and guilty of a gun specification.

Summit County Common Pleas Judge Patricia Cosgrove set sentencing for Monday. The murder conviction carries a term of 15 years to life.

During the four-day trial, King said he dumped Garland's remains in the Tuscarawas River last March, leaving Garland's frantic family members to wonder about her whereabouts.

King is the father of Garland's 3-year-old son. The couple shared a modest home on Canal St. in Barberton. The boy now lives with a maternal aunt.

Their five-year relationship, witnesses said, had been tumultuous.

They said King had become despondent and then angry over a relationship Garland had developed with another man. He said she came home and picked a fight with him.

Assistant Summit County Prosecutor Lynne Lambert said Garland disappeared March 26.

King reported the 35-year-old woman missing that same day, telling police he had not seen her, she said.

When a partially burned 55-gallon drum was found on April 11, it contained tiny fragments of Garland's body, Lambert said.



LEXIS·NEXISTM

A member of the Reed Elsevier plc group



LEXIS·NEXISTM

A member of the Reed Elsevier plc group



LEXIS·NEXISTM

A member of the Reed Elsevier plc group

The Plain Dealer, July 23, 1994

Later, King told a friend that police who were searching for Garland were looking in the wrong places, Lambert said.

King was later arrested and charged with aggravated murder.

Jurors rejected contentions by defense lawyer Kerry O'Brien that King had killed in self-defense. He said King had previously been wounded when Garland came at him with a knife.

LANGUAGE: ENGLISH

LOAD-DATE: July 24, 1994



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

LEVEL 1 - 6 OF 8 STORIES

Copyright 1994 Plain Dealer Publishing Co.
The Plain Dealer

July 21, 1994 Thursday, FINAL / MEDINA / SUMMIT

SECTION: METRO; Pg. 2B

LENGTH: 390 words

HEADLINE: DEFENSE ADMITS TO KILLING ;
BUT LAWYER SAYS MAN ACTED IN SELF-DEFENSE AGAINST LOVER

BYLINE: By DEBRA DENNIS; PLAIN DEALER REPORTER

DATELINE: AKRON

BODY:

A prosecutor painted a grim picture in Summit County Common Pleas Court yesterday, accusing Danny King of Barberton of shooting his girlfriend in the head, stuffing her body in a barrel and dumping it in the Tuscarawas River.

King's motive: jealous rage after suspecting his longtime lover, Marilyn Garland, was seeing another man.

King's lawyer, Kerry O'Brien, conceded in opening statements yesterday that his client killed Garland, but he argued that King acted in self-defense. He accused Garland of attacking King with a knife.

For nearly two weeks after her disappearance March 26, the victim's family agonized over what had happened to her. Garland inexplicably had missed her son's third birthday, which was completely out of character for her, said Assistant County Prosecutor Lynne Lambert.

King, who had lived with Garland for five years, claimed to be mystified by her disappearance and reported her missing to police.

"The family wondered, and he wondered. Her family shed tears, and he shed tears right along with them," Lambert said.

When a charred 55-gallon drum was found April 11, it contained only fragments of Garland's body, Lambert said.

By that time, King had started talking, Lambert said. King provided police with a break in the case when he told a friend that police were searching for Garland in the wrong place.

"They're never going to find her," the prosecutor quoted King as saying.

King, 36, sat impassively as Lambert outlined the state's case against him. His lawyer told a much different story.

"Danny King tried his best to keep his family together," O'Brien said. "He



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

The Plain Dealer, July 21, 1994

did what he could to keep Marilyn out of the bars, off the drugs."

O'Brien said Garland once cut King with a knife, but King refused to call police, saying they would unfairly blame him for causing a domestic ruckus.

On the day she died, Garland had picked a fight with King, O'Brien said.

"She approached him with a knife. He shot her. Danny King didn't know what to do."

O'Brien conceded that King "did a rather reprehensible act in how he disposed of Marilyn's body," but he explained King acted irrationally from panic.

O'Brien is seeking an acquittal for King of the charge of aggravated murder. Failing that, he asked jurors to consider lesser offenses, such as manslaughter or murder.

LANGUAGE: ENGLISH

LOAD-DATE: July 22, 1994



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

LEVEL 1 - 7 OF 8 STORIES

Copyright 1994 Plain Dealer Publishing Co.
The Plain Dealer

April 9, 1994 Saturday, FINAL / MEDINA

SECTION: METRO; Pg. 1B

LENGTH: 182 words

HEADLINE: REMAINS IN BARREL MAY BE SLAIN WOMAN

DATELINE: BARBERTON

BODY:

Police believe they have recovered the remains of a 34-year-old woman who was allegedly killed by her live-in boyfriend last month and burned in a barrel.

Lt. Ray Todd said police found a 55-gallon drum Wednesday night that contained what they believe to be some bone fragments of Marilyn Garland. The fragments have been sent to the Summit County coroner's office to verify that they are Garland's.

The barrel was found by an employee of a business about 1,000 feet from the Canal St. home where Garland and her boyfriend, Danny King, lived. The employee noticed the barrel at the rear of the business.

"I'm confident that when all the test results are in, they will show it was the barrel that was used to burn Marilyn Garland in," Todd said.

Police believe that they have not recovered all of Garland's remains, some of which may have been dumped in the vicinity of the Ohio Canal and Tuscarawas rivers in Barberton, Todd said.

King, 36, has been charged with aggravated murder. He is scheduled for a preliminary hearing at 1 p.m. Monday in Barberton Municipal Court.

LANGUAGE: ENGLISH

LOAD-DATE: April 10, 1994



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

08243178

APPEALS COURT UPHOLDS MURDER CONVICTION
Beacon Journal (Akron) (AK) - Thursday August 31, 1995
Edition: 1 STAR Section: METRO Page: C7
Word Count: 142

MEMO:
IN THE REGION / METRO BRIEF

TEXT:

AKRON - The 9th District Court of Appeals has upheld the murder conviction of Danny R. King of Barberton in the March 1994 shooting death of his live-in girlfriend, Marilyn Garland.

King was convicted of shooting Garland, then burning her body in a barrel, crushing the bones and throwing the remains in the Tuscarawas River.

Summit County Common Pleas Judge Patricia Cosgrove sentenced King to 21 years to life on the murder conviction and on convictions for abusing a corpse and a firearms specification.

In his appeal, King, through his attorneys, argued that his two prior convictions for domestic violence involving Garland should not have been made known in court and that a confession to a fellow inmate at the Summit County jail should not have been used.

The appeals court disagreed and let the convictions stand.

Copyright (c) 1995, Beacon Journal Publishing Co.

DESCRIPTORS: MURDER; TRIAL; VERDICT; SENTENCE; APPEAL DENIED;
BIOGRAPHY; DANNY R. KING

LEVEL 1 - 8 OF 8 STORIES

Copyright 1994 Plain Dealer Publishing Co.
The Plain Dealer

April 3, 1994 Sunday, FINAL / MEDINA

SECTION: METRO; Pg. 1B

LENGTH: 443 words

HEADLINE: A MURDER CHARGE WITH NO CORPSE ;
MAN HELD AFTER WOMAN VANISHES

BYLINE: By JAMES EWINGER; PLAIN DEALER REPORTER

DATELINE: BARBERTON

BODY:

No body has been found, but a Barberton man remains in the City Jail, accused of killing his live-in girlfriend.

And investigators say that if Easter comes and goes without word from the woman, their belief will only be strengthened that Danny King killed Marilyn Garland, 34.

King, 36, and the father of Garland's 3-year-old son, has been charged with aggravated murder.

He was arrested by Barberton police Friday before they executed a search warrant at the house shared by the couple. King had reported Garland missing more than a week ago, and also told police that her car had been found at an Akron bar around that time, detectives said.

Police became suspicious when the birthday of the couple's son, Cody, came and went last week without word from Garland. Her relatives told police she had been known to disappear in the past, but never for more than a few days. And she wouldn't miss her boy's birthday in any case. Police said that if she fails to check in over the Easter weekend, that will only solidify their case.

Barberton police Det. Larry Folden said that when King reported Garland missing March 26, he told them he considered her disappearance suspicious. Police said their search of the couple's home turned up additional evidence, but detectives declined to disclose what that was.

Detectives declined comment on whether King may have made any statements to police that implicated him.

King remained in the Barberton jail over the weekend after a \$250,000 cash bond was set by Barberton Municipal Judge Michael Weigand yesterday.

Kerry O'Brien, the lawyer Weigand appointed for King only yesterday, said he would be talking to King over the weekend in preparation for his arraignment tomorrow.



LEXIS·NEXIS™

A member of the Reed Elsevier plc group



LEXIS·NEXIS™

A member of the Reed Elsevier plc group



LEXIS·NEXIS™

A member of the Reed Elsevier plc group

The Plain Dealer, April 3, 1994

O'Brien declined comment on the King case. But he said he has handled about 50 murder cases in his 18 years as a lawyer, and this is the first in which police and prosecutors preferred charges without a body.

County Prosecutor Lynn Slaby said his office has pursued cases under those circumstances, but they are rare, with the last one more than 10 years ago.

Slaby said that most murder cases are built on circumstantial evidence in any case. "But where there is no body, you also have to establish by circumstantial evidence that a person was killed," and is not merely missing.

Slaby said that the jury steps into the role normally played by the coroner, and determines that a homicide has occurred, then goes on to weigh evidence about who did it.

King and Garland had been together about five years. He is self-employed in the construction business, and she had been a homemaker, police said.

LANGUAGE: ENGLISH

LOAD-DATE: April 4, 1994



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group



LEXIS·NEXIS

A member of the Reed Elsevier plc group

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

08167089

RELATIVES SAY TOT'S LOSER IN COURT CASE

Beacon Journal (Akron) (AK) - Friday June 16, 1995

By: Jewell Cardwell

Edition: 1 STAR Section: METRO Page: E3

Word Count: 692

MEMO:

Jewell Cardwell can be reached at 996-3567.

TEXT:

Jim and Carol Francis are having a real tough time accepting the court's decision to take from them the little blond-haired boy they tuck in bed every night and who rides on their shoulders.

Jim's brother, Joe, is bitter, too. Here's why:

"I testified in a trial where a man shot a woman in the head, burned her body in a 55-gallon drum for two days, then crushed her skull and bones with a four-by-four," Joe Francis began.

"Then he put her remains in a tablecloth and threw her in the Tuscarawas River.

"The man's son was there and probably saw the whole thing. He is my sister-in-law's nephew."

That boy is 4-year-old Cody King.

Perhaps you read the gruesome account of what happened to Cody's mother -- Marilyn Garland -- at the hands of his father, Danny King of Barberton.

Marilyn Garland, 34, was murdered last year in her home sometime between March 20 and 22.

After the murder, King, 36, reportedly bought a round of drinks for friends at a local bar.

King denied early on that he had had anything to do with Garland's disappearance, saying at first that she ran away with another man.

However, King was eventually forced to confess his crime to the court after others with whom he'd shared the details came forward.

King got 21 years to life.

And Jim and Carol Francis got Cody. Or so they thought.

Garland and Carol Francis were sisters.

Recently, however, the court ruled that Cody will be better off with Danny King's sister and her husband in West Virginia.

"Cody doesn't even know the family that the court has ordered him to go to," Joe Francis railed.

"And the family that he's going to doesn't know him, either.

"But Jim and Carol have known Cody since the day he was born. They love him, they know him and he's bonded with them."

According to social workers with Summit County Children Services who placed Cody with the Francis family, Jim and Carol have been good parents.

But their ability to parent is not what this is about.

The Francis family claims that money is at the root of what they see as evil.

"The court told us that Cody will have more opportunities with the other family," an emotionally spent Joe Francis said.

"They think that because these other people have more money and a four-bedroom home that Cody will somehow be happier.

"My brother and sister-in-law make Cody happy. I see it every day.

"Cody used to be an introvert. But now he runs and plays and talks to everybody."

Jim Francis agrees the court made its decision based on money.

Francis -- who is a diabetic -- is unable to work or be on his feet for a long period of time.

However, his wife works; she has a factory job.

While Jim Francis will certainly mourn the loss of Cody -- the family's only link to his wife's slain sister -- he says that's not the only reason they're against the court's decision.

"We think it's going to be very traumatic for Cody," Jim Francis explained.

"We're the only family Cody knows."

The official date for Cody's release to the other family hasn't been set.

The court, however, has ordered transitional visits with Cody and his new family to make this next major change in his life easier.

"They seem like nice people," Jim Francis said about Cody's soon-to-be new family.

Joe Francis was less charitable.

"They're still Danny King's family," he said.

"This whole ordeal has been very hard on all of us.

"It's just not right for Carol to have to lose her only link to her sister, and it's not right for Cody.

"And it's not right for Danny King to win again."

Whether we agree or not, the court has spoken.

So the only thing we can do now is hope that Cody's new family has a heart for keeping Cody connected with his old family. Lord knows, he has already suffered far too many losses.

Copyright (c) 1995, Beacon Journal Publishing Co.

DESCRIPTORS: MURDER; BIOGRAPHY; CHILD CUSTODY BATTLE

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

07721019

A JUDGE SHOWS MERCY TO SURVIVORS

Beacon Journal (Akron) (AK) - Tuesday August 9, 1994

Edition: 1 STAR Section: EDITORIAL Page: A6 .

Word Count: 681

MEMO:

Voice of the People / Letters to the Editor

TEXT:

In regard to the July 26 article headlined "Judge has no mercy in King sentence":

Almost daily, the Victim Assistance Program assists all types of crime victims in Summit County.

We are acutely aware of victim and survivor issues such as loss of esteem (physical and emotional damage and pain); lost opportunities in home; employment; family; friends; security; rights, etc.

While the system is forever concerned with the offender's rights, programs, treatment, causal factors and, seemingly, their every need, victims and survivors are still too often forgotten. Yet, victims' lives often overwhelmingly are changed rapidly and for a lifetime.

A kind statement, glance or consideration, particularly as the victim or survivors encounter and pass through the criminal-justice system, means so much.

Judge Patricia Cosgrove provided that meaning to many, (including our entire program) when she gave the offender, Danny King, the same consideration as the victim was given -- none -- a maximum sentence. While King apologized, the judge was perceptive and sensitive to the victims.

Judge Cosgrove ordered King to be held in the Summit County Jail for an extra five days to show police exactly where he dumped the remains of the body. She said, "The family of Marilyn Garland deserves to have her remains to give her a decent burial. That is the least you can do for the grieving family and your son."

It was indicated that the family would take the remains to Garland's mother's grave in West Virginia.

Thanks to Judge Cosgrove on behalf of Victim Assistance and innumerable

crime victims.

STELLA LONG, Victim Assistance Program, Akron

COULD IT BE THE POPE IS THE RELIGIOUS BIGOT?

John M. Caja accused the Beacon Journal of bigotry because a political cartoon it published criticized the pope's political interference in our national health-care debate (Aug. 2, Voice of the People, "Ax-wielding pope an unfair and erroneous depiction").

A bigot is someone who strongly prefers his own religious views and is intolerant of those who differ. The pope condemns both abortion and contraception. He is extremely narrow-minded about those who do not agree with him on these issues.

As I understand it, the Roman Catholic Church plans to ax any American health-care bill that does not reflect its anti-abortion position. This is what the cartoon was all about.

Therefore, I find it rather bizarre that Caja would call critics of the pope's intolerant behavior bigots.

Would I be a bigot if I drew a critical cartoon about a foreign national who demands that I comply with his religion's reproductive choices and who does not respect my family's reproductive choices? I think not.

DAVID R. CROOKS, Medina

REPRINT OF HAVEL'S SPEECH AN UNANTICIPATED TREASURE

Thanks to the Beacon Journal for reprinting on the July 29 Commentary page Vaclav Havel's July 4 speech in Philadelphia. It is one of those treasures I long for, but never dream I'll discover.

Once again, I'm convinced I subscribe to an outstanding paper.

MARY ELLEN VINCENT, Kent

IT'S MEDICAL COSTS, STUPID

President Clinton should know that universal health care would not solve

our medical problems.

It's overcharging for medicine, medical services and insurance that needs to be addressed. His plan would put government in charge, and we would lose our personal freedoms.

GRACE INFANTINO, Barberton

VIETNAM NO BENCHMARK FOR CLINTON; HE'S A-OK

I'm sick of hearing President Clinton put down because he didn't serve in Vietnam.

The Vietnam War was a rotten, immoral conflict.

We got into it because the French wanted to keep their colony. The French used to hunt the people of Vietnam like we go deer hunting.

If anything, we should have helped the Viet Cong kick out the French.

President Clinton is one of the most wonderful presidents the United States has had.

He is wise and not overbearing, as some presidents have been.

His iron-fist-in-velvet-glove approach to Haiti is smart.

Already, the ban on travel out of Haiti has cut off an arm of the cocaine drug cartel.

FRANK KIRSTATTER, Cuyahoga Falls

Copyright (c) 1994, Beacon Journal Publishing Co.

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

07707199

JUDGE HAS NO MERCY IN KING SENTENCE BARBERTON MAN GETS 21 YEARS
TO LIFE FOR

MURDER, ABUSE OF WOMAN'S CORPSE

Beacon Journal (Akron) (AK) - Tuesday July 26, 1994

By: CHARLENE NEVADA, Beacon Journal staff writer

Edition: 1 STAR Section: METRO Page: B1

Word Count: 404

TEXT:

Summit County Common Pleas Judge Patricia Cosgrove told Danny King yesterday she would give him the same consideration he gave his live-in girlfriend when he put a gun to her head and shot her.

"None," the judge said in sentencing the Barberton man to 21 years to life in prison for murder and abuse of a corpse. That was the maximum sentence Cosgrove could hand down.

"Mr. King, you said that you did not tell the police that you killed your wife because you were afraid of losing your son. As a result of your cold-blooded act, you have now deprived your little son of not only his mother, but also his father."

King apologized to the judge, to his girlfriend's family and the community for his actions.

"I'm sorry," he said.

King was convicted last week of shooting Garland, then burning her body in a barrel, crushing the bones and throwing the remains in the Tuscarawas River.

Assistant Summit County Prosecutor Lynne Lambert said the killing was the result of jealousy. Marilyn Garland had been keeping company with another man.

King said it was self-defense. He admitted shooting Garland, but said he did so because she had been drinking and was going after him with a knife.

His later actions -- burning the body and crushing and disposing of the remains -- were attributed to panic and concern for the well-being of Cody, the couple's 3-year-old son.

The remains have never been found, and Cosgrove addressed that in the

sentencing.

She ordered that King be held in the county jail for an extra five days before being shipped to prison. During that time, she ordered him to show Barberton police exactly where he dumped the remains.

"The family of Marilyn Garland deserve to have her remains to give her a decent burial," she said. "That is the least you can do for the grieving family and your son."

James Francis, Marilyn Garland's brother-in-law, said later he hopes the remains are found.

He said his wife, Carol -- Marilyn's sister -- would like to take the remains back to West Virginia and put them on Marilyn's mother's grave.

Francis -- who is trying to adopt Cody -- thanked the Barberton police, who solved the case, and the judge.

"Danny King got what he deserved," Francis said. "If you have a domestic problem, get a divorce. Don't kill your spouse. It's uncalled for."

Copyright (c) 1994, Beacon Journal Publishing Co.

DESCRIPTORS: SHOOTING; MURDER; CORPSE ABUSE; BURNED BODY;
TRIAL;

VERDICT; SENTENCE; BIOGRAPHY; DANNY KING

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

07704100

BARBERTON MAN CONVICTED IN GIRLFRIEND'S MURDER JURORS DON'T
BELIEVE
SELF-DEFENSE CLAIM, BUT REJECT AGGRAVATED MURDER CHARGES.
SENTENCING SET
FOR MONDAY.

Beacon Journal (Akron) (AK) - Saturday July 23, 1994

By: SHERYL HARRIS, Beacon Journal staff writer

Edition: 1 STAR Section: METRO Page: B1

Word Count: 309

TEXT:

It took a Summit County jury three hours yesterday to decide that Danny King of Barberton murdered his live-in girlfriend and abused her corpse.

King's defense attorney managed to persuade jurors that although King may have tried to burn her corpse, smash her bones and dump her in the river, he never planned the shooting of Marilyn Garland.

Jurors declined to find King guilty of aggravated murder, which would have required him to have plotted the killing. Instead, the jury found him guilty of the lesser charge of murder.

But it rejected defense attorney Kerry O'Brien's arguments that his client killed Garland in March because he was afraid of her. When he testified in his own defense, King said Garland was threatening him with a knife when he shot her.

Summit County Assistant Prosecutor Lynne Lambert told jurors in closing arguments that they had heard enough evidence to conclude that King held Garland at gunpoint for six hours, waited for her to go into the bathroom, where there would be no carpet to clean, and then shot her because he thought she was involved with another man.

After Garland's shooting, Lambert said King was buying rounds of drinks at a local bar.

"That is not the sign of a man who's upset or nervous," Lambert told jurors. "That's the sign of a man who's celebrating."

King had two previous domestic violence convictions, and several witnesses testified that he told them he was going to kill Garland in the weeks before she died.

Another witness told jurors that King had confessed the killing to him when the two men were drinking at a bar. A fellow inmate at the Summit County Jail had been able to tell police where to find the murder weapon after King confided details to him.

King is to be sentenced at 11 a.m. Monday.

Copyright (c) 1994, Beacon Journal Publishing Co.

DESCRIPTORS: DANNY KING; BIOGRAPHY; MURDER; TRIAL; SHOOTING;
VERDICT;
MARILYN; GARLAND.

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

07703164

TESTIFYING ABOUT INMATE IS THERAPEUTIC MAN WHO SAYS HIS CRIME
PART OF

TRAUMA FROM WIFE'S DEATH REPORTS SUSPECT'S TALE OF KILLING,
BURNING WOMAN

Beacon Journal (Akron) (AK) - Friday July 22, 1994

By: CHARLENE NEVADA, Beacon Journal staff writer

Edition: 1 STAR Section: METRO Page: C1

Word Count: 820

TEXT:

Sean Hogue had only been married a month or so in 1981 when his young wife was robbed and stabbed 26 times as she worked as a clerk at a convenience store in Akron's North Hill neighborhood.

Sandy Jo Hogue's killer went to prison. Hogue turned to drugs.

And earlier this year, Sean Hogue did something he still finds difficult to understand.

He walked into another convenience store in North Hill, held a knife to the clerk's neck and robbed her.

But the camera inside the Dairy Mart store on Tallmadge Avenue caught his picture. Police -- who dealt with him during the investigation into his wife's murder -- recognized him.

Now, some 13 years later, Sean Hogue is finally getting therapy and trying to come to grips with the tragedy that rocked his life.

But his therapy is rather unusual: He is helping to put another man accused of murder behind bars.

Hogue and Danny King, who is being tried this week in Summit County Common Pleas Court in the March slaying of Marilyn Garland, were in the same area of the Summit County Jail this spring when King decided to talk.

He picked the wrong person to talk to.

When you are going to talk about killing someone you loved, the best set of ears probably don't belong to someone who's lost a loved one.

Hogue listened -- then he went to police.

And yesterday, he took the stand to testify against King, who is accused of killing Garland in their Barberton home.

But first, Hogue told jurors and Judge Patricia Cosgrove a few things about himself.

He said he robbed the convenience store because of his wife's death so many years before.

He said he just blacked out the morning it happened, that he can't explain why he did it although he had seen his dead wife's brother that morning for the first time in several years. Hogue said therapists have since told him he was suffering from post-traumatic shock syndrome.

He has never denied robbing the Dairy Mart. He was in the Summit County Jail -- awaiting sentencing -- when he met King.

Hogue said he knew what King was charged with, but had given him the benefit of the doubt and really didn't believe he had killed Garland.

Then one day, the news came on the TV in the jail. Police were seen dragging the Ohio Canal, looking for Garland's body.

"They're looking in the wrong place," Hogue quoted King as saying. "She's about 400 yards downstream in the river."

Hogue says he was stunned, but also curious. And King seemed ready to talk.

Hogue said King told him of arguing with Garland in March and how he held her at gunpoint and waited six hours for her to go into the bathroom because he didn't want to get blood on the carpet.

When Garland did go into the bathroom, Hogue quoted King as saying, he pulled the trigger. The bullet struck her in the head, over the left eye. But to his surprise, she really didn't bleed much.

Hogue said King related putting Garland in the bathtub in case she did bleed more and the next morning got a barrel, put her body in it and set it afire. When some parts wouldn't burn, he took a stick and smashed them, and lit it again.

Hogue said King told him he then took a green and white tablecloth, wrapped the remains in it and threw it into the river.

On cross examination, defense attorney Kerry O'Brien attempted to discredit Hogue. He reminded Hogue that he also served time in 1993 for theft by deception. Hogue said that was a business theft, and that it was

not connected to his robbing the convenience store.

But O'Brien suggested they were both acts of dishonesty.

O'Brien also suggested that Hogue stood to gain by testifying, that he received the minimum sentence for robbing the store.

Hogue said he hadn't been given any breaks, that he had pleaded guilty to what he was charged and hadn't been allowed to plead to a lesser charge. He said he hardly considered five to 25 years in prison a light sentence and the only thing he was getting from testifying was that therapists told him it would help him deal psychologically with his wife's death.

King himself took the stand yesterday afternoon.

He described Garland as someone who drank a lot, took as many pain pills and Valium-type drugs she could get from doctors and often became violent.

He said she came after him once before with a knife and that when he awakened one night in March, she had a butcher knife in her hand and her arm was raised.

He said he was scared and reached for a gun.

"I pointed it at her and it went off and it did hit her," he said.

Jurors are expected to begin deliberating today.

Copyright (c) 1994, Beacon Journal Publishing Co.

DESCRIPTORS: SHOOTING; MURDER; BURNED BODY; TRIAL; DANNY KING;
ROBBERY; SEAN; HOGUE; TESTIFY; BIOGRAPHY

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

07702078

ATTORNEY DEFENDS 'ACTS OF LOVE' PROSECUTORS SAY JEALOUSLY LED
MAN TO KILL

GIRLFRIEND, BURN AND BARREL BODY. SUSPECT CLAIMS SELF DEFENSE

Beacon Journal (Akron) (AK) - Thursday July 21, 1994

By: Charlene Nevada, Beacon Journal staff writer

Edition: 1 STAR Section: METRO Page: B7

Word Count: 420

TEXT:

Danny King shot his longtime girlfriend to death and then went to great lengths to get rid of the corpse, prosecutors say.

They allege he shot Marilyn Garland in the head, then put her body in a 55-gallon drum and set it on fire.

When the body didn't completely burn, he smashed the remaining bones, gathered them up in a tablecloth and threw them in the Tuscarawas River. When the tablecloth wouldn't sink, he used a stick to force it under the water.

The reason for King's actions, Assistant Summit County Prosecutor Lynne Lambert said in opening statements yesterday in King's trial, was jealousy. Lambert and Garland - King's girlfriend of five years - had begun associating with another man and King thought she was having an affair.

King's attorney, Kerry O'Brien, told jurors up front that King, 36, admits taking the life of the woman with whom he shared a home on Canal Street in Barberton.

But O'Brien said King isn't guilty of aggravated or premeditated murder.

In fact, he said King shot Garland in self-defense.

O'Brien described King to jurors and Judge Patricia Cosgrove as someone who wanted to stay with Garland. They had a son together and King wanted to preserve his family.

According to O'Brien, here's King's side:

One night in march, Garland, 34, had been drinking and was upset because a doctor had refused to give her a drug prescription. King woke up as she was approaching him with a knife. This time, "Danny King was afraid for his

life" so he pulled out a gun and shot Garland.

O'Brien admitted there was "no excuse" for what happened next. He said King panicked and didn't think anybody would believe that he had felt threatened.

So he disposed of the body, reported his girlfriend missing, and then "went through a charade," telling police and Garland's family of his concern.

But then King went out drinking with a friend and told a story about burning Garland's body in a barrel. Police launched a search and found a barrel in a nearby supply yard.

King was arrested. He later told an inmate at the Summit County jail even more details.

The case continues today, then an expert from the Smithsonian Institution is expected to testify. A few tiny bone fragments and nails found in the barrel were sent to the Smithsonian for analysis.

CAPTION:

Photo

Prosecutor Lynne Lambert (left) questions Detective Larry Folden (right) about a barrel that figures in the murder case of Danny King (second from left).

Copyright (c) 1994, Beacon Journal Publishing Co.

DESCRIPTORS: SHOOTING; MURDER; TRIAL; BURNED BODY; BIOGRAPHY;
DANNY
KING;

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

07672169

JUDGE DENIES MOTION TO SUPPRESS EVIDENCE

Beacon Journal (Akron) (AK) - Tuesday June 21, 1994

Edition: 1 STAR Section: METRO Page: B4

Word Count: 139

MEMO:

IN THE REGION / METRO BRIEF

TEXT:

AKRON - Summit County Common Pleas Judge Patricia A. Cosgrove Monday denied a defense motion to suppress evidence in the upcoming aggravated murder trial of Danny King, 36, of Barberton.

King is accused of shooting his live-in girlfriend Marilyn Garland, 34, sometime between March 20 and 22 and then burning her body in a 55-gallon drum.

King's attorney, Kerry O'Brien, argued that a statement King allegedly made to another inmate at the Summit County Jail should be suppressed because the inmate was acting as an agent for the Barberton Police Department "either inadvertently or intentionally" when he allegedly solicited information about the killing from King.

Cosgrove also ruled that any statements King made to police after his arrest April 1 were admissible because King had been given his Miranda rights and understood them.

Copyright (c) 1994, Beacon Journal Publishing Co.

**DESCRIPTORS: SHOOTING; MURDER; BURNED BODY; SUPPRESS EVIDENCE
DENIED;**

BIOGRAPHY; DANNY KING; AGE

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

07631129

SERVICE TO MEMORIALIZE BARBERTON WOMAN APPARENT VICTIM OF
MURDER WILL BE
REMEMBERED BY FAMILY AND FRIENDS AT SOCIAL-SERVICE CENTER THAT
SHE OFTEN

ATTENDED BEFORE SHE DISAPPEARED IN MARCH

Beacon Journal (Akron) (AK) - Wednesday May 11, 1994

By: KATIE BYARD, Beacon Journal staff writer

Edition: 1 STAR Section: METRO Page: D5

Word Count: 625

TEXT:

BARBERTON - A woman who Barberton police say was the victim of a gruesome murder once did a lot of living and learning at a place she considered very special.

That place is the Decker Family Development Center in Barberton.

Because Decker meant so much to Marilyn Garland, 34, it is a fitting place for a memorial service, family members say.

Such a service will be held at 10 a.m. Saturday at Decker.

The center's often noisy gym will turn into a place for quiet reflection.

"We kind of feel this is home and this is where it should be," said Decker's director, Mary Frances Ahern.

Known simply as "Decker" among many Barberton area mothers, the nonprofit center in a former school building offers a preschool and a variety of other programs to help low-income families. In the process of helping families, staff members get intensely involved in the lives of many who come to Decker.

Cody, Garland's 3-year-old son, is to be at the service at the building he knows as his preschool.

"We told him his mom is in heaven. I don't think he understands the concept," said Jim Francis, who is married to Garland's sister, Carol Francis. "Three years old is pretty young to try to understand being murdered and dying and going to heaven."

The fact that Garland's body was never found is exacerbating the grief

of those who knew her.

Police say her body was burned in a 55-gallon drum. Only a few bone remnants, believed to be Garland's, were discovered in the charred receptacle.

Nevertheless, "it's kind of time to put a finality to it so that people can get on," said Decker's Ahern.

The grieving began April 1. That was when Barberton police charged Garland's live-in boyfriend, Danny King, with murder. If King is convicted, Garland's death becomes the first Barberton homicide in at least two years.

Police say Garland was shot in the head on or about March 20. They say King disposed of her body by burning it and throwing the remains in a river.

King's arrest was a dramatic twist in what initially was a missing person case. King filed a missing person report on March 26.

When Garland was not found by the time of her son's birthday in late March, the Decker staff and family members grew alarmed. They told police of their worry, and the case soon became a murder investigation.

Garland, who did not finish high school, was unemployed and had a history of drug and alcohol abuse.

She had been known to disappear in the past. Before she missed her son's birthday, there was some speculation that she took off on somebody's motorcycle. Garland loved motorcycles.

But at the time she disappeared in March, she had been trying to get her life together, friends and family members said, and was close to Cody.

In recent years, Garland had taken advantage of a number of Decker programs, such as parenting skills classes, and was working on her high school equivalency diploma, Ahern said Tuesday.

Police say King told them he was upset with Garland because he saw her in a bar with another man. King, who recently pleaded innocent to murder, will be back in Summit County Common Pleas Court on May 16 for a pretrial hearing.

The service "is something that needs to be done," said Garland's sister, Carol Francis. She and Jim Francis are taking care of Cody.

Ahern will speak at the service, as will Jim Francis.

Garland "had a tough life, but we have nothing but tremendous things to

say about her," Ahern said.

Decker is located at 633 Brady Ave., Barberton.

CAPTION:

Photo

Family members say Marilyn Garland was putting her life back together.

Copyright (c) 1994, Beacon Journal Publishing Co.

DESCRIPTORS: MURDER; SHOOTING; 55-GALLON DRUM; BODY BURNED;
MARILYN

GARLAND; BIOGRAPHY; MEMORIAL SERVICE; DECKER FAMILY
DEVELOPMENT CENTER; BARBERTON; LIVING STANDARD;

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

07623178

MAN PLEADS INNOCENT TO GIRLFRIEND'S MURDER

Beacon Journal (Akron) (AK) - Tuesday May 3, 1994

Edition: 1 STAR Section: METRO Page: B4

Word Count: 64

MEMO:

IN THE REGION / METRO BRIEF

TEXT:

AKRON - A Barberton man pleaded innocent Monday to murdering his girlfriend and then abusing her corpse by putting the body in a barrel and burning it.

Summit County Common Pleas Judge Patricia Cosgrove set a June 28 trial date for Danny King, 36, accused of murdering Marilyn Garland. King will be back in court for a pretrial May 16.

Copyright (c) 1994, Beacon Journal Publishing Co.

DESCRIPTORS: BIOGRAPHY; SHOOTING; MURDER; CORPSE ABUSE; BURN

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

07618191

MAN IS INDICTED FOR GIRLFRIEND'S MURDER

Beacon Journal (Akron) (AK) - Thursday April 28, 1994

Edition: 1 STAR Section: METRO Page: B4

Word Count: 108

MEMO:

IN THE REGION / METRO BRIEF

TEXT:

BARBERTON - A Summit County grand jury Wednesday indicted Danny R. King, 36, of Barberton, in the death of his live-in girlfriend, 34-year-old Marilyn Garland.

King was charged with aggravated murder with a firearm specification and abuse of a corpse with a prior crime of violence specification.

King is accused of shooting Garland sometime between March 20 and 22 and then burning her body in a 55-gallon drum.

He is to be arraigned on the charges before Summit County Common Pleas Judge Patricia Cosgrove on Monday, May 2. He is in the Summit County Jail under a \$250,000 cash bond.

Copyright (c) 1994, Beacon Journal Publishing Co.

DESCRIPTORS: ARREST; BIOGRAPHY; SHOOTING; MURDER; CORPSE ABUSE

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

07602134

CELLMATE SAYS KING TOLD HIM ABOUT KILLING SEAN HOGUE, IN SUMMIT JAIL, SAYS
HE CAME FORWARD WITH INFORMATION BECAUSE HE FEELS FOR VICTIM'S FAMILY

Beacon Journal (Akron) (AK) - Tuesday April 12, 1994

By: KATIE BYARD, Beacon Journal staff writer

Edition: 1 STAR Section: METRO Page: B1

Word Count: 540

TEXT:

BARBERTON - Danny King last week confessed to killing his live-in girlfriend and revealed very specific details of the gruesome crime to a fellow jail inmate, the inmate said Monday.

Sean A. Hogue, 35, testified in Barberton Municipal Court at King's preliminary hearing that he met King last week at the Summit County Jail. He said King, 36, began confiding in him after the two watched a newscast about the death of King's girlfriend, Marilyn Marie Garland, 34.

Hogue, in jail on an aggravated robbery charge, is no stranger to violent crime. Hogue's wife, Sandy Jo, was stabbed to death in 1981 during a store robbery.

Hogue said he was not offered a reduced sentence for supplying police with information.

Hogue said he decided to come forward because he sympathizes with Garland's family: "My wife was murdered 13 years ago. I know what my family went through."

Barberton police believe that bone fragments found in a 55-gallon drum last week are those of Garland.

King was charged with aggravated murder April 1 after another man told police that King had confessed he shot Garland in the head.

The man, Joe Francis, who was related to Garland by marriage, also told police that King had said he put Garland's body in a drum, burned it and disposed of the remains in the Ohio & Erie Canal.

But Hogue recently gave police further key details.

At Monday's hearing Hogue told Barberton law director Marty Bodnar that

King told him in jail last week that he threw the gun in a storm sewer on Manchester Road in Akron.

Barberton Lt. Ray Todd said Monday that police have recovered a handgun from that storm sewer "that we believe Danny King used to kill Marilyn Garland."

Also, Hogue testified that King told him he put the remains in the Tuscarawas River, not the Ohio & Erie Canal, and put the drum near the couple's Canal Street home.

Police are asking anyone who may have spotted a tarp or cloth, which could contain more bone fragments, near the Tuscarawas River to contact Barberton police at 848-6703.

Hogue and Francis testified that King had told them the couple's 3-year-old son, Cody, was in the home when the killing occurred.

The gunshot awakened Cody, King reportedly told Hogue. King said he told Cody that he and Garland had gotten into a fight and the sound was Garland slamming the door.

King told Francis that he burned the body over a two-day period. Hogue said King said he burned the body near the isolated house.

Hogue and Francis both said that King had told them he was upset with Garland because he had seen her with another man at the Main Street Saloon in Akron on March 20 -- the day King allegedly killed Garland.

Francis said that King had confessed to him while the two were drinking beer at a Barberton bar March 31, and King was arrested the next day. King reported Garland missing to police March 26.

After listening to the testimony, Judge Michael Wiegand sent the case to Summit County grand jury to consider whether there is enough evidence to indict King.

King remains in Summit County Jail on a \$250,000 bond.

Copyright (c) 1994, Beacon Journal Publishing Co.

DESCRIPTORS: SHOOTING; MURDER; ARREST; DANNY KING; PRISONER;
INMATE
TESTIMONY; BIOGRAPHY

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

07598109

POLICE THINK DRUM HELD WOMAN'S BODY CONTAINER FOUND NEAR
CANAL STREET IN

BARBERTON

Beacon Journal (Akron) (AK) - Friday April 8, 1994

By: CHERYL CURRY, Beacon Journal staff writer

Edition: 2 STAR Section: METRO Page: C6

Word Count: 307

TEXT:

BARBERTON - Police have found a 55-gallon drum they believe was used to dispose of the body of a 34-year-old woman who has been missing for nearly three weeks.

"I'm confident it will show to be the drum that was used in the burning of Marilyn Garland's body," said Police Lt. Ray Todd.

Police said they found the drum Wednesday night in a grassy area behind a business 1,200 to 1,500 feet from the isolated house on Canal Street where Garland lived with her boyfriend, Danny King.

King was charged with aggravated murder last Friday after an informant told police that King said he shot Garland in the head, burned her body in a drum and disposed of the remains in the Ohio & Erie Canal.

Todd would not comment on what was in the drum, but said most of the contents were turned over to the Summit County coroner for analysis. The remaining contents were given to the state fire marshal's office and the Bureau of Criminal Identification and Investigation, Todd said.

Officials with the coroner's office said Thursday they are still examining the contents "to determine whether or not it is human remains."

Police, who since Monday have been searching the canal near the couple's home, said they plan to keep looking today.

"We're continuing our search for the weapon and for more evidence in this case," Todd said.

King reported Garland missing to police on March 26, saying he feared something may have happened to her. He told police Garland left their house the evening of March 20 and had not returned.

Police interest in what initially was a missing-person case heightened after the couple's 3-year-old son's birthday came and went with no word from Garland. King is being held in the Barberton City Jail.

CAPTION:

Photo

PHOTO: headshot of Garland

Copyright (c) 1994, Beacon Journal Publishing Co.

DESCRIPTORS: MISSING PERSON; BIOGRAPHY; MARILYN GARLAND;
MURDER;
SHOOTING; 55-GALLON DRUM; BURNING; ARREST; DANNY KING

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

07596177

POLICE SEARCH WATER FOR SLAYING VICTIM

Beacon Journal (Akron) (AK) - Wednesday April 6, 1994

Edition: 1 STAR Section: METRO Page: D4

Word Count: 133

MEMO:

IN THE REGION / METRO BRIEF

TEXT:

BARBERTON - Police continued searching the Ohio & Erie Canal and Tuscarawas River on Tuesday for the body of a 34-year-old woman they suspect was killed by her companion.

No body has been found, and police are now asking that anyone who has seen a 55-gallon drum in the Akron-Canton area call Barberton police at 848-6703.

Danny King, 36, of Barberton, was arrested Friday and charged with aggravated murder in the death of Marilyn Marie Garland.

Police unsuccessfully searched the couple's Canal Street home and began the water search Monday. An informant has told police that King said he shot Garland in the head, then placed her body in a drum, burned it and disposed of the remains in the Ohio & Erie Canal.

Copyright (c) 1994, Beacon Journal Publishing Co.

**DESCRIPTORS: MISSING PERSON; SEARCH; OHIO ERIE CANAL; MURDER
INVESTIGATION; ARREST; DANNY KING; AGE; MARILYN MARIE
GARLAND**

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

07595181

MISSING MOM BELIEVED DEAD; BODY IS SOUGHT HER LIVE-IN BOYFRIEND
ALLEGEDLY

SAID HE KILLED HER

Beacon Journal (Akron) (AK) - Tuesday April 5, 1994

By: KATIE BYARD, Beacon Journal staff writer

Edition: SPORT FINAL Section: METRO Page: B1

Word Count: 591

TEXT:

BARBERTON - Danny King told someone that he shot his girlfriend in the head then placed her body in a 55-gallon drum, burned it and disposed of the remains in the Ohio & Erie Canal, according to a police document.

That person apparently spoke to police Thursday night, and King was arrested Friday morning on a charge of aggravated murder in the death of Marilyn Marie Garland, 34.

King, 36, who lived with Garland at an isolated house on Canal Street in front of the canal, was on his way to a construction job when he was arrested.

In the affidavit, the informant said that King told him he shot Garland on March 20.

It was about a week later, on March 26, that King reported Garland missing to police, saying that he feared something may have happened to her. He told police that Garland had left the house the evening of March 20 and had not returned. King is the father of Garland's 3-year-old son Cody.

Monday, police searched for remains of the 5-foot-3, 110-pound woman along the canal near the single-story home on Canal Street where the couple lived.

Police Lt. Ray Todd said Monday afternoon that so far, nothing had been found.

Canal gates, used for flood control, were opened to lower the canal water and aid the search, safety director Leon Ricks said. Police might enter the water today to continue the search.

A piece of evidence also turned up during the police search Friday of the Canal Street house.

Todd declined to reveal the nature of the evidence, but said Monday it

was being analyzed by the Bureau of Criminal Investigations.

The affidavit from the informant that police received Thursday night was used to obtain a search warrant that was executed Friday, after King's arrest.

King was arraigned in Barberton Municipal court Monday morning.

A preliminary hearing was set for 1 p.m. Monday. King remains in the Barberton city jail on a \$250,000 bond.

Police interest in what initially was a missing-person case heightened after her son's birthday came and went last week with no word from Garland.

Garland had earlier been known to disappear for days.

But relatives told police that since the birth of Cody, Garland had been more responsible. They said she would not have let Cody's birthday pass without at least a telephone call.

Family members also were concerned that Garland's car had been found, sometime after March 20, behind the Main Street Saloon at 1481 S. Main St. in Akron.

Her leather jacket was found in the trunk of the 1984 Ford Thunderbird.

King's court-appointed attorney, Kerry O'Brien, said Monday that King has told him he "didn't do it."

Michelle Ramsey, a friend of Garland and her family, attended the arraignment. Ramsey said she had last seen Garland in early March.

"She came over to the house -- she and Cody -- for a while. She said she and Danny were arguing then," Ramsey said after the arraignment.

Police have said they had responded to calls about domestic disturbances at the Canal Street house.

Ramsey said it would be wonderful if Garland turned up. But she's convinced that Garland is dead.

"She's not alive. She would not leave her child that long. Ever since she's had that baby, she has straightened up."

Ramsey said Garland had been working toward her high school equivalency diploma and had been taking a child development class at the Decker Family Development Center.

CAPTION:
Photo

PHOTO: headshots (2) of King and Garland

Copyright (c) 1994, Beacon Journal Publishing Co.

DESCRIPTORS: MISSING PERSON; BIOGRAPHY; MARILYN MARIE GARLAND;
ARREST;
DANNY; KING; OHIO ERIE CANAL SEARCH

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

07593131

BODY SEARCH MAY CENTER ON CANAL, RIVER MONDAY

Beacon Journal (Akron) (AK) - Sunday April 3, 1994

By: KATIE BYARD, Beacon Journal staff writer

Edition: 1 STAR Section: METRO Page: B2

Word Count: 242

TEXT:

BARBERTON - Police are expected to search the Ohio & Erie Canal and Tuscarawas River on Monday looking for the body of a 34-year-old woman they suspect has been killed by her boyfriend.

Police on Friday arrested Danny King, 36, on a charge of aggravated murder.

The day of the arrest, police searched a Canal Street house and grounds for the body of Marilyn Marie Garland or for evidence leading them to the body. But officers said Saturday that the water search wouldn't begin until Monday.

King and Garland had been living together at the house, which is on a strip of land wedged between the canal and the Tuscarawas River on the city's south side.

On Saturday, in Barberton Municipal Court, King's bond was set at \$250,000. He remains in the city's jail and is to appear in court Monday morning.

The court appointed lawyer Kerry O'Brien to defend King, who is a construction worker.

On March 26, King reported Garland missing to police. He told police he had last seen Garland on the evening of March 20.

Police Lt. Ray Todd and relatives have said that Garland had been known to disappear for days. Garland is unemployed and had a history of drug and alcohol problems, police have said.

But police became particularly concerned when the birthday of Garland's son Cody passed last week with no word from his mother. Cody turned 3 last week. King is Cody's father.

Copyright (c) 1994, Beacon Journal Publishing Co.

DESCRIPTORS: MISSING PERSON ; CANAL ; DANNY KING ; MARILYN MARIE GARLAND

DIALOG(R)File 708:(Akron)Beacon Journal
(c) 1996 Akron Beacon Journal. All rts. reserv.

07592023

**POLICE HUNT ALONG CANAL FOR WOMAN AUTHORITIES CHARGE HER
LONGTIME BOYFRIEND**

WITH MURDER, BUT NO BODY HAS BEEN FOUND

Beacon Journal (Akron) (AK) - Saturday April 2, 1994

By: KATIE BYARD, Beacon Journal staff writer

Edition: 1 STAR Section: METRO Page: C1

Word Count: 511

TEXT:

BARBERTON - Police officers scoured an isolated house and grounds along the Ohio & Erie Canal on Friday, looking for evidence that would lead them to the body of a 34-year-old woman they say was murdered by her boyfriend.

Marilyn Marie Garland apparently has been missing since the evening of March 20.

But her boyfriend, Danny King, who Friday was charged with aggravated murder, did not report her missing until March 26.

King was in Barberton's jail Friday and is to appear in Barberton Municipal Court this morning.

An interesting twist is that police haven't found Garland's body.

The couple, along with their 3-year-old son, Cody Garland, lived in the small, out-of-the-way house on Canal Street, a dirt road on the city's south side.

Police at first had treated the case as a routine missing-person case. But when Cody's birthday passed this week with no word from his mother, police interest heightened.

Until Thursday night, when the case apparently broke, police were distributing a flier with Garland's photo.

Barberton Police Lt. Ray Todd and relatives said that Garland, who was unemployed, had been known to disappear for days.

But most or all of those disappearances were before her son was born, relatives said. They told police that Garland would not let her son's birthday go by without at least calling him.

Police said Garland had a history of drug and alcohol problems.

"She used to be wild when she was younger," her sister, Carol Francis, said at the police station Friday. "Since the baby (Cody) was born, she had straightened up. She was turning her life around."

Francis, 39, said that King worked various construction jobs and her sister received public assistance.

She said that King and Garland met at a Barberton bar a year or two before Cody was born. King was fixing the Canal Street home, which Garland's father owns.

Police a week ago found Garland's 1984 Ford Thunderbird behind the Main Street Saloon at 1481 S. Main St. in Akron. Todd said Garland had frequented the bar.

Inside the car was Garland's leather jacket. Francis' husband, Jim Francis, said this was curious.

"We thought if she went on a (motor) bike run, she'd have her leather jacket," said Jim Francis.

Carol Francis said King "seemed like he was a pretty good guy." But she said he also had a jealous streak.

Garland "liked to go get a suntan, get fixed up -- he (King) didn't like her to do that," Carol Francis said.

Barberton police said they had been called to the couple's home previously about domestic arguments.

Todd offered no motive for the alleged murder, saying the investigation is continuing.

Todd said that authorities obtained a search warrant for the house using evidence that he said he was not able to disclose.

"Further evidence has been obtained which has resulted in the arrest of Danny King," Todd said.

In 1988, King was convicted in Barberton of carrying a concealed weapon, a gun.

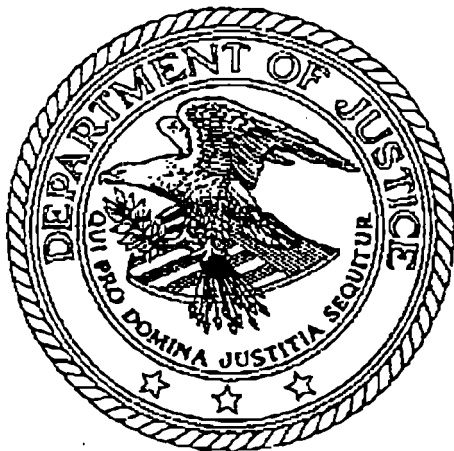
CAPTION: Photo

PHOTO: Black and white headshots of Garland and King

Copyright (c) 1994, Beacon Journal Publishing Co.

DESCRIPTORS: MISSING PERSON ; MARILYN MARIE GARLAND ; DANNY KING
MURDER ; BIOGRAPHY

U.S. Department of Justice



Washington, D.C. 20530

ELIZABETH HYMAN
Chief of Staff
Violence Against Women
Office
(202) 616-2845 (OFFICE)
(202) 307-3904 (FAX)

DATE: 8/22/96TO: Dennis BurkeFAX #: 4156-7028 PHONE #: _____# OF PAGES: - 12 - (INCLUDING COVER)COMMENTS: _____

Citation
7/29/96 RECINNJ A13
7/29/96 Rec. N. N.J. A13
1996 WL 6100967

Rank (R)
R 66 OF 1189

Database
NP

Mode
Page

The Record, Northern New Jersey
Copyright 1996

Monday, July 29, 1996

OPINION

*Check w/ Lautenberg's
office on this one*

TAKING GUNS AWAY FROM BATTERERS WILL SAVE LIVES
By FRANK R. LAUTENBERG JR.

DURING THE 19th century, it was legal in many jurisdictions for a man to beat his wife with a stick, as long as that stick was no thicker than his thumb. That's how the term "rule of thumb" originated. Looking back, it seems cruel and barbaric. Today, we don't allow a man to threaten his wife with a stick. But unbelievably, many men who are convicted of domestic violence crimes are allowed to wield a gun.

Currently, federal law generally prohibits anyone convicted of a felony, which is a crime punishable by at least one year in prison, from owning or possessing a gun. Unfortunately, because of outdated attitudes, outmoded laws, or outlandish plea bargains, many people who are convicted of spousal or child abuse are ultimately convicted of misdemeanors, not felonies.

These abuser, who have endangered those closest to them and who frequently have a history of violent behavior, are still allowed under federal and state laws to own firearms.

A woman is battered in this country every 12 seconds. Ten times more women are victimized annually by domestic violence than are diagnosed with breast cancer, and those are just the reported cases of abuse. According to a study in the New England Journal of Medicine, in households with a history of battering, the presence of a gun increases three-fold the chance that a woman will be murdered. According to FBI data, nearly 3,500 women and children will die this year as a result of domestic violence at the hands of men who once claimed to love them. Sixty-five percent of those women will be killed by firearms.

Consider the case of Marilyn Garland of Summit County, Ohio. No dry statistic or meaningless abstraction, Marilyn's story is a tragic example of what happens in all 50 states virtually every day.

On March 26, 1994, Danny King came home to Marilyn, his common-law wife, the mother of his 3-year old son, in a state of rage. But he didn't come home alone. He was carrying a gun. King

Copr. (C) West 1996 No claim to orig. U.S. govt. works

7/29/96 RECNUJ A13

PAGE 7

fatally shot Marilyn, stuffed her body in a barrel, burned it, and finally dumped it into the Tascarawas River. This wasn't the first act of domestic violence King had committed, only the most heinous. He had been convicted in 1990 and 1991 of **misdemeanors** involving **domestic violence**. However, because these prior **convictions** were not felonies, federal law allowed King to posses a gun.

Marilyn's death, and thousands of others, would not have happened without a gun. So for me, its simple; I want to take guns out of the hands of abusers. Those guilty of domestic violence should be banned from possessing firearms. If you beat your wife or child, you should lose your gun.

It's particularly urgent because the courts often do not treat domestic violence as a serious crime. In 1994, Kenneth Peacock shot his wife in the head after several hours of arguing. On a plea agreement, Peacock pleaded guilty to involuntary manslaughter. Baltimore County Circuit Court Judge Robert B. Cahill sentenced him to only 18 months, to be served on work release and community service. At sentencing, the judge remarked, "The most difficult thing a judge is called upon to do . . . is sentencing non-criminals as criminals."

Women and children are battered and assaulted in their own home, and it's not treated as seriously as a barroom brawl. Due to plea bargains, the batterer is sentenced to a misdemeanor, while the person who struck another patron in a saloon is doing felony time in prison.

The Senate last week passed my measure to prohibit anyone convicted of a crime involving domestic violence from owning or possessing a firearm. It was attached as an amendment to an anti-stalking bill, which I co-sponsored, that extends an existing federal law that prohibits individuals from crossing a state line to injure or harass a family member, if the intended victim has reason to fear death or bodily injury. The bill would apply this prohibition to persons other than family members.

It we are serious about shielding women and children from stalkers and abusers, we should take the gun from the hands of abusers who threaten these innocent victims. The bill now goes to the House of Representatives, which should act quickly to pass it and send it to the president for his signature.

Our homes should be places of safety and security. Unfortunately, for many women and children who suffer in silence, home is a place of danger and death. We need to ensure that every innocent child or terrorized woman enjoys the fullest protection of the law. There is no reason why wife beaters and child abusers should have guns.

Copr. (C) West 1996 No claim to orig. U.S. govt. works

PAGE 1

Citation Rank(R) Database Mode
 8/4/96 MNTTCMA F5 R 55 OF 1189 NP Page
 8/4/96 Morning News Trib. (Tacoma Wash) F5
 1996 WL 2996299

The News Tribune Tacoma, WA
 Copyright 1996

Sunday, August 4, 1996

Insight

Endorsements for
 the Gun Ban

BILL WOULD DENY FIREARMS TO MEN WHO COMMIT DOMESTIC ABUSE Susan Glick and Beth Clark

Throughout their eight-year marriage, Danell Hernandez was abused by her husband, Alex. After marriage counseling failed and the abuse resumed, Danell and her child left their house, taking a few belongings and the eight guns her husband kept in the house.

During the next three months Alex harassed and stalked Danell, who received a total of four restraining orders against her estranged husband.

In January 1995, Alex held Danell and her child hostage at gunpoint for four hours in her home, and later attempted suicide. On Dec. 8, 1995 Alex stalked Danell as she was leaving the university where she worked. He shot and killed Danell and then himself.

Denying guns to convicted domestic abusers like Alex should not be a controversial proposition. Sen. Frank Lautenberg (D-N.J.) has introduced legislation to make it harder for men like Alex to kill their wives. The Lautenberg proposal, the "Domestic Violence Offender Gun Ban," would prohibit any convicted abuser from owning or possessing a firearm.

In general, federal law prohibits convicted felons from possessing firearms. As a rule, people convicted of misdemeanors are not prohibited from possessing firearms, yet many people who commit serious spousal or child abuse are not convicted of felonies.

Whether because of anachronistic laws, plea bargaining or judicial attitudes, many people guilty of serious domestic violence offenses all too often are convicted of mere misdemeanors.

In fact, only 20 percent of domestic abuse cases qualify as felony aggravated assault under state law, and it's not because the victims are hurt any less than victims of assaults by strangers.

These offenders have shown themselves to be violent and a danger to those closest to them, yet they still are free under federal and
 Copr. (C) West 1996 No claim to orig. U.S. govt. works

8/4/96 MNTTCMA F5

PAGE 2

most state laws to possess a firearm.

The Lautenberg legislation would change this deadly double standard and prevent convicted abusers from legally obtaining a gun, regardless of how each state classifies the crime.

Adding guns to a battering situation is akin to pouring gasoline on a fire. Research on domestic violence consistently reveals that a gun in the home is a key contributor to the escalation of nonfatal spouse abuse to homicide.

A 1992 study in the Journal of the American Medical Association revealed that domestic assaults involving firearms are 12 times more likely to result in death than domestic assaults involving knives, physical force or any other means.

In 1994, nearly 30 percent of the 4,739 women who were murdered were slain by their husbands or boyfriends. This deadly abuse often claims children as victims.

A 1994 study from the federal Bureau of Justice Statistics reveals that 57 percent of children under 12 who are murdered are killed by a parent. Of those, nearly 80 percent had suffered abuse by the assailant.

All too frequently the victims are killed with a gun. The Federal Bureau of Investigation reports that firearms were the weapons used in approximately seven out of every 10 murders committed in the United States in 1994.

We cannot talk about reducing family violence and ignore the role of guns in terrorizing women's lives any more than we can talk about reducing motor vehicle accidents without acknowledging the role of alcohol.

One would think that there would be little argument against denying guns to wife beaters and child abusers. Yet when the issue involves firearms, common sense does not always prevail.

The "Domestic Violence Offender Gun Ban" has the support of the National Coalition Against Domestic Violence, the Children's Defense Fund, the American Academy of Pediatrics and more than 30 other religious and health policy organizations.

It is hard to imagine that members of Congress would want to stand before their constituents - battered women and children among them - and justify opposition to this critical legislation.

- - -

8/4/96 MNTTCMA F5

PAGE 3

Susan Glick is a health policy analyst at the Violence Policy Center, a national nonprofit educational foundation that conducts research on firearms violence in the United States and works to develop violence-reduction policies. Beth Clark is public policy coordinator for the National Coalition Against Domestic Violence, a network of coalitions, shelters and service providers for battered and formerly battered women and their children.

Word Count: 689

8/4/96 MNTTCMA F5

END OF DOCUMENT

Copr. (C) West 1996 No claim to orig. U.S. govt. works

Citation
7/10/96 TAMPATRIB 2
7/10/96 Tampa Trib. (Fla.) 2
1996 WL 10876446

Rank(R)
R 104 OF 1189

Database
NP

Mode
Page

The Tampa Tribune
Copyright 1996

Wednesday, July 10, 1996

FLORIDA/METRO

Man charged in parents' slaying
An Associated Press report

* Prior DV
conviction

SUMMARY: The suspect told police investigators that his father committed suicide after killing his mother. But the man's wounded sister disputed that account.

MIAMI - A 21-year-old man was charged Tuesday with first-degree murder in the shooting deaths of his father and mother in what appeared to be a family quarrel, police said.

Lamont Horne also was charged with attempted first-degree murder in the wounding of his 17-year-old sister, Inga. She remained in critical condition with 12 bullet wounds after the shooting Monday at the family's home in Miami's Little Haiti.

Killed were retired Metro-Dade police officer Johnnie Horne, 49, and his wife, Mary Anne Horne, 48.

Lamont Horne, who was being held without bail, told police his father did the shooting.

The younger Horne told detectives he bought the gun earlier that day, took it to his father's house, loaded it and showed it to his father, said Miami police spokesman Angel Calzadilla. Then, the suspect said, his father shot his mother and sister before turning the gun on himself.

"He claims the father did it," Calzadilla said. "Obviously, police believe differently."

His sister told police on her way to the hospital that her brother killed her parents and injured her, Calzadilla said.

Also, Mary Anne Horne's friend told police about her telephone conversation that implicated the suspect. The Hornes have one other son, whom police did not identify.

"My son is killing my husband," Mary Anne Horne told her friend over the phone, after gunshots rang out. Then the line went dead.

Copr. (C) West 1996 No claim to orig. U.S. govt. works

7/10/96 TAMPATRIB 2

PAGE 13

The friend - who wasn't identified to protect her - then called police and led them to the Hornes' apartment.

Police knocked at the door for several minutes then Lamont Horne walked out and said, "I didn't do it, my dad did it."

As he was put into a police car, his distraught brother, who wasn't home at the time of the shooting, repeatedly asked him why he killed his mother.

The suspect was released from jail two months ago on a battery conviction in a domestic violence case.]

----- INDEX REFERENCES -----

EDITION: FINAL

Word Count: 343
7/10/96 TAMPATRIB 2
END OF DOCUMENT

Copr. (C) West 1996 No claim to orig. U.S. govt. works

Citation
6/15/96 SCMTB B6
6/15/96 Sacramento Bee B6
1996 WL 3302587

Rank(R)
R 120 OF 1189

Database
NP

Mode
Page

The Sacramento Bee
Copyright 1996

Saturday, June 15, 1996

EDITORIALS

*Editorial in
favor of Lautenberg*

WHY GIVE WIFE-BEATERS GUNS?

FROM THE NEW YORK TIMES

ONE OF the most valuable provisions of the anti-crime bill passed by Congress two years ago prohibited individuals who are subject to a domestic-violence restraining order from purchasing or possessing a firearm.

Now Sen. Frank Lautenberg would extend the ban on gun purchases and ownership to people convicted of a domestic-violence offense. Even a Congress packed with friends of the National Rifle Association should find this measure worthwhile.

The legislation is needed to plug a potentially deadly gap. Existing federal law prohibits convicted felons from buying guns. But that still leaves out many people who have been convicted of spousal or child abuse. This is because acts of domestic violence are often prosecuted as misdemeanors, either as part of a plea-bargain deal or because of weak state laws that treat domestic violence far too lightly. No state currently bans the possession of a gun by those convicted of misdemeanor domestic-violence crimes.

*} apparently
CA now has
such a ban
for 10 yrs.*

Yet the good sense of such a rule seems obvious. An estimated 150,000 incidents of domestic violence each year involve guns. The presence of a gun in the home triples the risk of a homicide in the home, according to a 1993 study in the New England Journal of Medicine.

The next move belongs to the Senate Republican majority. Lautenberg, D-N.J., is seeking to attach his measure as an amendment to an uncontroversial anti-stalking bill that would make traveling across state lines to injure or harass another person a federal crime.

GOP LEADERS, starting with Orrin Hatch of Utah, the Senate Judiciary Committee chairman, have a duty to either accept Lautenberg's narrowly tailored ban or explain publicly why wife-beaters and child-abusers should have guns.

---- INDEX REFERENCES ----
Copr. (C) West 1996 No claim to orig. U.S. govt. works

Citation	Rank (R)	Database	Mode
7/15/96 SUNSENT 1A	R 100 OF 1189	NP	Page
7/15/96 Sun-Sentinel (Ft. Lauderdale Fla.) 1A			
1996 WL 10674844			

Sun-Sentinel Ft. Lauderdale
Copyright 1996

Monday, July 15, 1996

LOCAL

DOMESTIC KILLINGS DROP; TACTICS CREDITED
SCOTT GLOVER ; EVELYN LARRUBIA Staff Writers

Florida Plans to
improve criminal
history record keep.

In 1994, when Fort Lauderdale detectives arrived at a homicide scene, the chances that the killing resulted from domestic violence were about one in two.

Sixteen of the city's 34 slayings that year resulted from violence in the home, making that the No. 1 precursor to murder.

Many of the killings shared the same early warning signs: repeated verbal threats, violated restraining orders, phone cords ripped from the wall.

Faced with what police officials called "an epidemic," the department formed the Threat Abatement Group. The TAG Team, a sergeant and two "threat" investigators, was designed to prevent rocky relationships from ending in murder.

Cops are keeping their fingers crossed, but it appears to be working.

Last year, only four of the city's 32 killings were attributed to domestic violence. So far this year, with the murder toll at 22, police say not one is the result of domestic abuse.

And while domestic-related murders dropped, arrests for domestic violence increased by 50 percent from 256 to 384.

"Those numbers defy coincidence," said Capt. Jim Hurley, who heads the department's criminal investigations division. "Hopefully, some of that success is a result of having sent the right message to law enforcement and to the community that we will make arrests."

Although the change isn't as dramatic as in Fort Lauderdale, domestic violence murders are down and arrests are up throughout South Florida and the state.

Statewide, domestic violence related arrests jumped 29

Copr. (C) West 1996 No claim to orig. U.S. govt. works

7/15/96 SUNSENT 1A

PAGE 10

percent from 1994 to 1995 - with misdemeanors accounting for a large chunk of the total. At the same time, domestic-motivated murders fell 15 percent from 230 to 195.

"The way law enforcement is handling these cases, the way the prosecutors and judges are handling them, the message is starting to get out there that it's not going to be some type of family matter that will be treated in counseling. It's going to be treated as a crime," said Michael Horowitz, a prosecutor in the Broward State Attorney's domestic violence unit.

Murders related to domestic violence dropped from 16 to 12 last year in Palm Beach County, from 58 to 52 in Dade County and from 22 to 12 in Broward County.

Arrests for domestic violence rose by 13 percent in Palm Beach, 20 percent in Dade and 2 percent in Broward "Throughout the county, all the police departments are handling domestic violence cases different now - better," said Horowitz, whose unit has eight attorneys juggling 1,000 cases.

He said the Fort Lauderdale detectives are among the best.

Since the department's TAG team was formed in July 1995, there hasn't been a single domestic-related murder in the city, police records show.

Hurley said the expanded unit's apparent success is a result of changed attitudes at all levels of the Police Department, from patrol to investigation.

Fifteen years ago, when he was a patrolman, Hurley said domestic calls often turned detectives into "U-Haul movers in the middle of the night," doing little more than getting warring lovers away from each other.

Now, with tougher laws, if an argument in the home turns violent, "someone's going to jail," said Sgt. Richard Herbert, who supervises the team, which has grown to six detectives and is called the special victims unit.

Every morning, Herbert plows through a pile of reports from the night before. Most are simple assaults, but if he sees tell-tale phrases such as "ongoing problem," or "victim has a restraining order," he puts a detective on the case.

When detectives arrest someone for domestic violence, they often give the suspect a talking-to, said Sonya Friedman, one of the two original TAG investigators.

7/15/96 SUNSENT 1A

PAGE 11

"We tell them, 'Every time you hit her, you can look forward to going to jail,'" she said. "I haven't arrested the same person twice."

Herbert hopes to build on the unit's success with a \$113,000 grant awarded this month by the U.S. Department of Justice. It will pay for computers and two clerks to set up a domestic violence database including cases beginning in 1993.

Better records will help investigators find patterns of behavior that previously slipped through the cracks. A portion of the grant money also will pay for a victim's advocate from the nonprofit Women in Distress, who will work with the Fort Lauderdale police.

"I think it's very possible that when you focus on the misdemeanor part of the crime, you can prevent murders," said Robin Hassler, executive director of the Governor's Task Force on Domestic and Sexual Violence.

The task force is vying for a federal grant to establish a computer system of its own. The pilot program will track **domestic violence cases** from "911 call through conviction and disposition," Hassler said.]

"We have huge chasms where we don't know what's happening in these cases," Hassler said. "I can't tell you how many people are in our jails for domestic violence. I can't tell you how many are repeat offenders. There's so much we don't know."

---- INDEX REFERENCES ----

KEY WORDS: CRIME FT CITY MURDER REPORT DECREASE STATISTIC
DOMESTIC VIOLENCE

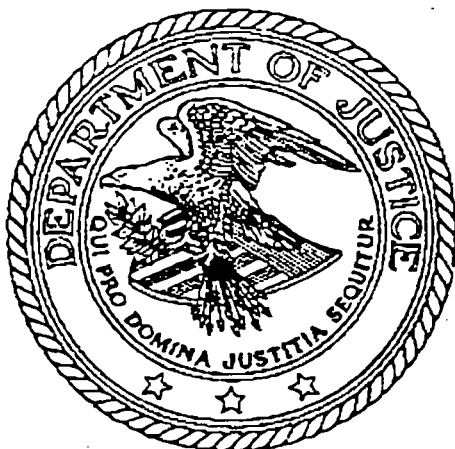
NEWS SUBJECT: Law Enforcement (LEN)

EDITION: FINAL

Word Count: 822
7/15/96 SUNSENT 1A
END OF DOCUMENT

Copr. (C) West 1996 No claim to orig. U.S. govt. works

U.S. Department of Justice



Washington, D.C. 20530

ELIZABETH HYMAN
Chief of Staff
Violence Against Women
Office
(202) 616-2845 (OFFICE)
(202) 307-3904 (FAX)

DATE: 8/21/96TO: Dennis BurkeFAX #: 456-7028 PHONE #: _____# OF PAGES: -4- (INCLUDING COVER)

COMMENTS: I hear you were looking for info on how
states keep stats. Here's an article that
bolsters the Q+A. -Liz

Citation	Rank(R)	Database	Mode
1/1/96 PTLDOGN A14	R 2 OF 2	ALLNEWS	Page
1/1/96 Portland Oregonian A14			
1996 WL 4095838			

(Publication page references are not available for this document.)
Portland Oregonian
Copyright (c) The Oregonian 1996

Monday, January 1, 1996

WIRE STORIES

STATES BUMBLE AND STUMBLE IN REPORTING SPOUSAL ABUSE LAURA MECKLER - The Associated Press

Summary: Because the problem is defined differently, the resulting STATISTICS are as useful as a COLLECTION of apples and oranges

Every month, police officers around the country meticulously compile bundles of DOMESTIC VIOLENCE statistics and dutifully ship them off to their state capitals.

You could call it a conscientious effort to comply with state law.

You also could call it a waste of time.

That's because many other police departments regularly fail to report the same kinds of calls and arrests, making statewide totals meaningless. And those who do make reports use assorted definitions for basic categories, making comparisons impossible.

"How do you begin to interpret the data? There's just no way to do it," said Nancy Neylon, executive director of the Ohio Domestic Violence Network.

Like many other states, Ohio tries to track police response to domestic violence. And like the reporting systems of many other states, Ohio's is flawed, underfunded and misinterpreted.

The result, advocates say, is inaccuracy in vital information that policy makers need to halt the beatings and humiliations and degradation suffered by too many Americans, the great majority of them women. Without accurate statistics, there is no way to know whether existing efforts are working.

"It's very difficult to develop good public policy and good programs if you don't have good data on what's going on at the local level," said Anne Menard, director of the National Resource Center on Domestic Violence in Harrisburg, Pa.

Copr. (C) West 1996 No claim to orig. U.S. govt. works

1/1/96 PTLDOGN A14

PAGE 2

(Publication page references are not available for this document.)

For more than a decade, Ohio law has required local police to report the number of domestic violence calls they respond to, how they handle them and demographic information about the callers. But with fewer than half of Ohio's police departments filing statistics at all, and others doing so only sporadically, the system is in shambles.

"You can make that assumption just by looking at the figures for five minutes," said Kristy Van Koughnet, spokeswoman for the Ohio attorney general's office, which administers the program.

Ohio isn't alone. Other states struggle with similar problems as officials become increasingly interested in hard data.

Minnesota law is similar to Ohio's, but St. Paul, the state's second-largest city, doesn't comply, said Denise Gamache, associate director of the Battered Women's Justice Project.

"In most states there is this requirement, but there usually are no teeth in it," she said.

In Michigan, police use three systems to report domestic violence data. Much of the information is inaccurate, and cases often are not reported at all, said Julie Allen, who manages the Uniform Crime Reporting section for the Michigan State Police.

"Right now, it's a mess," she said.

A national survey suggests the same.

Many states have trouble getting police departments to assemble statistics, said Jim Zepp, computer center director for the Justice Research and Statistics Association, a private organization that conducted the survey for the U.S. Department of Justice.

Of the 44 states and territories responding to the survey, 33 complained about poor participation and 39 reported getting incomplete entries, Zepp said. Release of the survey, which was conducted last year, has been delayed by the government shutdown.

Hard national facts on domestic violence are scarce. The survey purpose was to determine what information is available as the federal government begins distributing money to fight domestic violence. Under the national Violence Against Women Act, each state gets \$426,364.

Ohio's malfunctioning system is upsetting, but not surprising, to Charlotte Mann, whose former husband beat her for three years, until she left in 1990.

1/1/96 PTLDOGN A14

PAGE 3

(Publication page references are not available for this document.)

"The fact that there's faulty and inaccurate reporting is sort of indicative of the mindset of the system," she said. She called domestic abuse the "dirty little secret" that police do not want to acknowledge. Not reporting it is a logical extension, she said.

"Women being battered need support from all systems so they will feel comfortable that they can trust the system when they try and change things," she said.

Some states are doing better.

In Wisconsin, Attorney General James Doyle's office goes beyond statutory obligations, said Kathleen Krennek of the Wisconsin Coalition Against Domestic Violence.

"We have an attorney general who is very committed to this issue and that helped," she said. "His department took it seriously."

Compliance isn't the only problem.

Ohio's reporting system tries to track police action in a three-step procedure: calls, complaints and arrests.

But the terms are interpreted in different ways. An incident that one city might tally as a domestic violence call might never be recorded in another. In some places, a simple police report is considered a complaint; in others, a complaint means formal charges.

Bottom line: The numbers are virtually meaningless. If states cannot produce meaningful numbers, national numbers never can be accurate.

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYABLE

Graphics -- Graph/IN OREGON

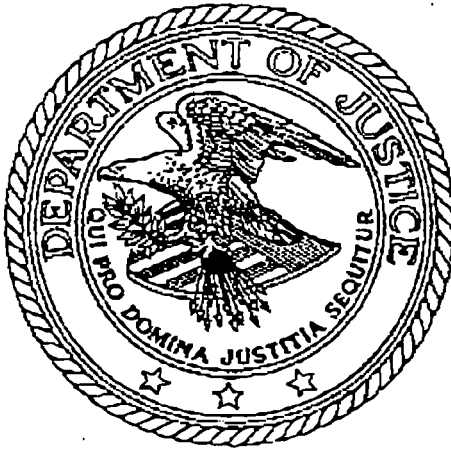
---- INDEX REFERENCES ----

KEY WORDS: ASSAULT
NEWS SUBJECT: Law Enforcement (LEN)
NEWS CATEGORY: NATIONAL
EDITION: SUNRISE

Word Count: 780
1/1/96 PTLDOGN A14
END OF DOCUMENT

Copr. (C) West 1996 No claim to orig. U.S. govt. works

U.S. Department of Justice



Washington, D.C. 20530

ELIZABETH HYMAN
Chief of Staff
Violence Against Women
Office
(202) 616-2845 (OFFICE)
(202) 307-3904 (FAX)

DATE: 8/19/96TO: Dennis BurkeFAX #: 456-7028 PHONE #: _____# OF PAGES: - 31 - (INCLUDING COVER)

COMMENTS: Dennis - Here's a few articles. It turns out
that it is difficult to find stories of men convicted of M/D
who then get a gun & shoot wives or girlfriends. Talk
to you later. - Liz

PAGE 7

USA TODAY, July 13, 1994

Anna and Nestor Torres were due in divorce court at 11: 15 a.m. June 27. By then, though, Anna was dead and Nestor was being charged with her murder.

After 27 years together, seven of them married, Anna, 41, had become more independent. Last month, she filed for divorce.

"Apparently this upset Mr. Torres," said Osceola County Sheriff's Deputy Mark Thompson. "The fact that his wife wasn't staying home evenings, she had a life of her own, she had started a new job, bought a couple of new dresses, she was making sure her hair was neat, losing some weight. I think he just didn't want the divorce."

So six hours before their hearing, police say Nestor, 61, walked into his sleeping wife's bedroom, locked the door behind him, and shot her with a .38-caliber revolver.

Nestor then drove his truck to the police station, handed over his empty gun and said he killed his wife.

Now in jail awaiting indictment, Nestor Torres could face the electric chair if convicted.

Green Mountain Falls, Colo.

Long before Michael Rivas killed his wife, Mary, he would check up on her several times a day at the restaurant where she tended bar. On Friday or Saturday nights, he'd call five or six times.

"He hadn't been abusive to her. He was just very controlling, very obsessive," said Chris Pinion, a fellow bartender.

Michael Rivas wanted more than Mary could give, friends say. He made too many demands. So after two years of marriage, she left.

A month later, on June 17, Michael, a 27-year-old Army staff sergeant, entered the apartment where Mary was staying with friend Walter Kunstmann and shot her in the head. He then turned the gun on himself.

She died instantly.

He died a few hours later.

Friends say Mary and Kunstmann weren't romantically involved but Michael heard rumors to the contrary.

"That's what sent him over the edge," Pinion said.

Michael left notes expressing his anger and desire to control his wife.

Carrollton, Texas

Police say Andrea Dandois was strangled by her husband, John, on June 13. Her body was stuffed in their car and dragged to a lake on the Oklahoma border.

PAGE 8

USA TODAY, July 13, 1994

"These people are what you would call typical American families," said Police Sgt. Robbie Robertson.

Though John had a sometimes violent temper, the firefighter and father of three went to church and never drank.

He and Andrea married in November. They were raising six kids - three of hers, three of his - a rabbit, two dogs, kittens, birds, horses, iguanas and a python named Chelsea.

Andrea was 11 weeks pregnant the day her children heard screams behind a closed door. Dandois came out to say their mom was OK.

Dandois has pleaded innocent to murder charges at a magistrate's hearing. The grand jury has yet to convene.

Santa Ana, Calif.

The police probe into Rosa Maria Vargas' death is closed.

With the pregnant 14-year-old and the 16-year-old police say killed her both dead, there isn't much left to investigate.

Police say Victor Torres Chavez did not mean to kill his ex-girlfriend when he came to her house June 23 - but that's the way it ended.

A week before, he had broken off their six-month relationship. He had stopped by her house to talk. But she didn't want to. There was an argument. The girl's mother, Rosa Avita Vargas, 39, stepped in.

Suddenly, Chavez pulled a .38-caliber revolver from his waistband and shot at the mother. He missed, then shot again, hitting his girlfriend.

Rosa Vargas, three months pregnant with Chavez's child, staggered the few steps from her family's lawn to the front door, where she crumpled. There were two more shots.

Chavez then ran a few doors away and shot himself.

"We are inclined to think he was shooting at the mother," says Santa Ana Police Lt. Robert Helton. "The young lady stepped in the way and she became the victim."

But Rosa's sister Betty, 18, paints a different picture: "He shot her there between her eye and her ear and then he shot her again. She was on the floor, and he shot her in the neck and in the arm. If it would have been an accident, why would he keep shooting at her?"

About two weeks before she died, Betty says, Rosa had told her mother that Chavez had threatened to kill her if she broke up with him.

"I told her, let's go to the police, and she told me, 'No, no, Mama, don't do anything because he's going to want to kill you, too,' " says the elder Rosa Vargas.

USA TODAY, July 13, 1994

Winslow Township, N.J.

Mary Beth Leps had a bad feeling about her daughter Nicole's boyfriend, Nicholas Spennato.

It wasn't that he looked violent or worked as an exotic dancer. "If they don't look me in the eyes, I just get a terrible feeling. And this one would not look me in the eyes," she said.

But Leps couldn't know Spennato, 24, would become so obsessed with her daughter that he'd follow her to work with a .45-caliber automatic and kill Nicole and a police officer before turning the gun on himself.

Nicole, 24, a college psychology major, had thought she could change Spennato - even though he had a record and had been jailed for robbery.

She said his biggest problem was low self esteem.

"But after a few months she evidently knew what I was talking about," Leps said. Nicole tried to break up.

That's when Spennato started calling in the middle of the night. Neighbors saw him hanging about in the bushes.

"This guy was a timebomb," Leps said.

On the same day, June 12, when a more famous Nicole was killed outside a Brentwood, Calif., condominium, Nicole Leps asked a friend to drive her to the restaurant where she worked so Spennato wouldn't see her car. He showed up anyway.

When police officer Daniel Calabrese, 38, answered a call from the restaurant's manager, he asked Spennato for I.D. He got two bullets in the groin and chest instead.

Nicole ran to hide in the kitchen. Spennato followed.

"See what you made me do? You're not going to get away with this, Nicole!" he screamed. Then, he shot her twice before killing himself.

"This whole damn thing was wrong," Leps said. "It should have never, ever, gone this far.

"People just shrug it off, like it will go away. But from the bottom of my heart, these girls have got to say something, and the judicial system has got to wake up."

Spousal homicide at a glance More than half the defendants in spousal homicides were drinking alcohol at the time of the slaying, says a report released this week by the Justice Department. One-fourth of the defendants were jobless and 12% had histories of mental illness. Spousal homicide nationally:

Sheriff Deputy
* *Police officer* and girlfriend killed.

PAGE 41

Asheville Citizen-Times (Asheville, NC) June 16, 1996, Sunday

Teach young people that violence against women is never acceptable.

Support battered women in the workplace.

Volunteer at Helpmate, an agency serving abused women and their children through its crisis line, temporary emergency shelter and court advocacy system.

It is only through confronting the truth that our community finally will put an end to domestic violence. It happens to a woman in Buncombe County every day. It's time for the rest of us to open our eyes.

LANGUAGE: ENGLISH

LOAD-DATE: June 20, 1996

LEVEL 1 - 19 OF 25 STORIES

Copyright 1991 The Times Mirror Company
Los Angeles Times

January 29, 1991, Tuesday, Home Edition

SECTION: Part A; Page 3; Column 2; Metro Desk

LENGTH: 745 words

HEADLINE: SUSPECT IN SLAYINGS OF 7 IN NEW MEXICO COULD FACE DEATH;
CRIME: RICKY ABEYTA IS ARRAIGNED ON THREE COUNTS OF MURDER. MORE CHARGES ARE
EXPECTED TO BE FILED THIS WEEK.

BYLINE: By PAUL FELDMAN, TIMES STAFF WRITER

DATELINE: ESPANOLA, N.M.

BODY:

Ricky Abeyta, believed by authorities to be responsible for the worst mass slaying in modern New Mexico history, was arraigned before a Rio Arriba County magistrate Monday on three murder counts that could result in the death penalty.

Prosecutors said additional murder charges are expected to be filed this week stemming from Saturday's massacre of seven people, including two law enforcement officers and a 5-month-old boy.

Court papers released Monday appeared to confirm authorities' initial contention that the bloody rampage was the culmination of a domestic dispute.

According to the documents, one of Abeyta's alleged victims -- an estranged girlfriend -- had days earlier won a court order to keep him from bothering her. She had told a judge that he had shot at her.

Also arraigned Monday on lesser felony charges stemming from the massacre

were two of Abeyta's sisters, Dora, 35, and Sandra, 19. Dora was charged with attempted murder. Sandra was charged with aggravated battery.

PAGE 42

1991 Los Angeles Times, January 29, 1991

Abeyta, 28, a self-employed carpenter from nearby Chimayo, appeared somber as Magistrate Richard C. Martinez ordered him to be held without bail and urged Abeyta "to reflect on the lives" lost.

"It saddens me, yet it also sickens me when domestic violence . . . results in such violent acts which eventually take the lives of human beings, especially those of innocent children," Martinez said.

The mustachioed Abeyta was charged with the shooting deaths of Ignacita Vasquez Sandoval, 36, his estranged girlfriend; Sheriff's Deputy Jerry Martinez, 30, who had been in the process of delivering the temporary restraining order that Sandoval had obtained, and State Police Sgt. Glen Huber, 35, who had been called in to assist Martinez.

Also killed in the late-afternoon attack at the Abeyta family property were Sandoval's daughter, Maryellen, 19; Maryellen's boyfriend, Macario Gonzales, 18; their 5-month-old son, Justin Gonzales, and Sandoval's sister, Cheryl Rendon, 24.

Sandoval's son, Eloy, 13, was wounded, and several others who were inside the couple's mobile home during the attack jumped outside to escape.

In appealing for a restraining order to keep Abeyta away from her, Sandoval alleged that the defendant had fired three gunshots toward her and her car last Wednesday. She told domestic violence hearing officer Carol J. Vigil that Abeyta had become angry when she told him he was moving out of their home, according to court records.

After a 24-hour manhunt, Abeyta surprised authorities by turning himself in to state police at Albuquerque late Sunday. Police said Abeyta, who was not represented by an attorney in court Monday, made no statements to them about the case.

Abeyta's brother-in-law, Manuel Sanchez, who accompanied the defendant to state police headquarters, said Abeyta had told him nothing.

"He just knocked on my door (in Bernalillo, a town near Albuquerque) . . . and just said he wanted to surrender," Sanchez said.

The rampage has left New Mexico reeling.

"This has to have lasting impact," said state Secretary of Public Safety Richard C de Baca. "We made history . . . it's a bitter pill to swallow."

Community mental health official Barbara Martinez said: "Before this happened was the (Persian Gulf) war. Since the shootings I haven't heard a thing about the war, and that tells me something. People already are under a lot of stress, and this is something else for them to endure."

Chimayo is a small, clannish town in the rugged Sangre de Cristo foothills, 20 miles north of Santa Fe. It had been known primarily for its 175-year-old El

Santuario de Chimayo church, where thousands of Catholic faithful come each year to pray and be healed.

1991 Los Angeles Times, January 29, 1991

Dirt in a hole in the church floor has been said for more than a century to possess miraculous curative powers.

The town of 2,500 is also known for the red chili peppers grown by its farmers.

Abeyta was said by authorities to possess a temper. In the past, state police said, he had been arrested -- but never convicted -- on a variety of charges, including aggravated assault, harassment by telephone and larceny.

Tearful family members, 20 of whom attended the late-afternoon arraignment, called Abeyta a quiet, even-tempered man.

"I'm still in shock. I can't believe it," said Sanchez, his brother-in-law. "When you get upset, you don't realize what you're doing. . . . He was probably provoked."

William Diven in Chimayo, N.M., contributed to this story.

GRAPHIC: Photo, Ricky Abeyta is led from New Mexico state police headquarters in Santa Fe to jail after surrendering. NEL JACOBS / For The Times

LANGUAGE: ENGLISH

LEVEL 1 - 20 OF 25 STORIES

Copyright 1995 The Times-Picayune Publishing Co.
The Times-Picayune

March 10, 1995 Friday, ST. TAMMANY

SECTION: NATIONAL; Pg. A1

LENGTH: 501 words

HEADLINE: POLICE JURY TO TAKE UP DOMESTIC ABUSE LAW

BYLINE: By CHARLIE CHAPPLE St. Tammany bureau

BODY:

An ordinance that would require law enforcement officers to take special steps in domestic violence cases is expected to be approved by the St. Tammany Parish Police Jury next week.

The measure, which would require officers to make an arrest even when the victim does not want to press charges, was unanimously recommended with little discussion Wednesday night by the jury's Administrative Liaison Committee.

"I think it's a good ordinance," said 4th Ward Justice of the Peace Mario Ventura, who deals with domestic violence cases. "I think it'll do a lot of good."

PAGE 12

2ND STORY of Level 1 printed in FULL format.

Copyright 1996 The Columbus Dispatch
The Columbus Dispatch

February 24, 1996, Saturday * See p. 26

SECTION: NEWS LOCAL & NATIONAL, Pg. 1A

LENGTH: 903 words

HEADLINE: MAN HELD IN FATAL SHOOTING AT CLINIC

BYLINE: Brent LaLonde, Dispatch Police Reporter

BODY:

A man with a history of domestic violence walked into a busy veterinary clinic yesterday and fatally shot his wife's co-worker in the chest, authorities said.

Terry A. Bryant, 46, was charged with aggravated murder last night after he confessed to the slaying of Robert A. Harris inside the Vet Clinic East, at 5101 Chatterton Rd., Franklin County Sheriff Jim Karnes said.

At the time of the shooting, there were about six employees and customers - including an off-duty police officer - inside the clinic. Bryant's wife, Diana, was working, but wasn't injured.

Mr. Bryant, of 2738 Brandy Court, Apt. 102, was arrested about two hours after the shooting, after he was spotted at an apartment complex near the clinic. Though unarmed, he fought with detectives and police. He was being held last night in the Franklin County jail.

The Bryants have had a stormy relationship for years, said Patricia Burke, Mrs. Bryant's sister.

Mr. Bryant had been charged with domestic violence four times in the past three years and Mrs. Bryant was repeatedly granted protection orders, but the charges always were dropped after she chose not to press charges, records in Municipal Court show.

"She's been afraid of him for years," Burke said.

Things had been particularly bad this week and Mrs. Bryant had stayed with relatives the past two nights, said Wendy Wood, Mrs. Bryant's niece.

"He's mentally nuts when he drinks," Wood said. "He's the nicest man in the world when he doesn't drink."

Harris, 27, of 4972 Zimmer Dr., was described by a family friend as "very, very easygoing, gentle-hearted, not a bad bone in his body."

prior DV/pleaded
to negligent assault

"He always worked holidays, so others (at the clinic) could have time off," said Rick Ouer, who lives next door to Harris in a neighborhood not far from the clinic.

PAGE 13

The Columbus Dispatch, February 24, 1996

Authorities were called to the Truro Township veterinary clinic about 11 a.m. after Mr. Bryant, armed with a rifle, walked in and shot Harris, Karnes said.

Harris died a short time later at Grant Medical Center. A rifle, which investigators believe was used in the slaying, was later found in a nearby trash bin.

Investigators were trying to determine why Harris was shot.

Karnes said investigators were told that Mr. Bryant had accused his wife of having an affair with Harris, but that may have been something Mr. Bryant imagined.

"Terry accused Diana of sleeping with the kid," Wood said. "But Terry accused Diana of sleeping with everybody."

Harris' aunt, Debbie Armstrong, said, "there was no situation between the two of them - none whatsoever."

"My poor nephew was simply at the wrong place at the wrong time," Armstrong said. "The only thing Rob loved was animals. From the day the kid was born, it was animals."

Madison Township police detective Jim Galvin, who was on his way to work, was inside the clinic at the time of the shooting but did not witness it.

"He was in another room with the vet," Chuck Stevens, Madison Township police chief, said of Galvin. "He never saw the guy, but he heard the gunshot; he immediately went outside to look for the guy because they said he went outside."

Police sources said Mr. Bryant was drunk when police found him about two hours after the shooting.

Bryant has been arrested several times in recent years for domestic violence and alcohol-related incidents, Karnes said.

Several years ago in Virginia, Mr. Bryant once shot his wife in the arm, Burke said.

In Franklin County, Mrs. Bryant filed domestic violence charges against him in February 1993 and February 1994, saying in the first case he had struck her in the face, and in the latter that he had kicked her. She got a protection order in the 1994 case, but all charges were dropped when she refused to appear as the prosecuting witness, court records show.

From the 1994 case, Mr. Bryant was convicted of having a gun while drunk and sentenced to 30 days in jail. At the time, Municipal Court Judge Bruce Jenkins gave Mr. Bryant credit for the seven days he had served and suspended the rest

of the sentence.

Last March, Mrs. Bryant told police that her husband hit her in the hand with a coffee mug, cutting her finger. She was granted a temporary protection order from the court.

The Columbus Dispatch, February 24, 1996

He was charged with domestic violence and assault, and spent 11 days in jail before entering into a plea agreement that led to a conviction for negligent assault. He received a 60-day jail sentence, but was given credit for the time he had already spent in jail and the rest of the sentence was suspended by Judge Richard H. Ferrell.

Five days after Mr. Bryant was released from jail, his wife filed a fourth domestic violence complaint, saying that he poured boiling water on her wrist and hand. Again she was given a protection order, and he spent about two weeks in jail in lieu of a \$ 7,500 cash or surety bond. But the case was dismissed May 4 because Mrs. Bryant did not wish to pursue the charges.

Mr. Bryant also has a string of convictions in Clarke County, Va., which is about 65 miles west of Washington, D.C. In addition, his brother, David, is in prison in Virginia for killing a man, Clarke County Sheriff Dale Gardner said.

"Those boys were something else," Gardner said. "Their parents and grandparents were good people, but the boys just went sour."

Dispatch staff reporters Dean Narciso and Randall Edwards contributed to this story.

GRAPHIC: Photo / Map, Eric Albrecht/ Dispatch, Franklin County deputy sheriffs restrain Terry A. Bryant with a rope while carrying him to a cruiser after they said Bryant resisted their efforts to arrest him., Eric Albrecht/ Dispatch, Diana Bryant is consoled by her sister Patricia Burke, in white coat, outside the Vet Clinic East after the shooting.

LOAD-DATE: February 25, 1996

U.S. Department of Justice



Washington, D.C. 20530

ELIZABETH HYMAN**Chief of Staff****Violence Against Women****Office****(202) 616-2845 (OFFICE)****(202) 307-3904 (FAX)**DATE: 8/15/96TO: DENNIS BURKEFAX #: 456-7028 PHONE #: _____# OF PAGES: 2 (INCLUDING COVER)COMMENTS: _____

Draft - August 14, 1996

**The President's Challenge to Congress
to Pass Legislation
That Prohibits Persons Convicted of Crimes of Domestic Violence
From Possessing a Firearm**

DRAFT

August 27, 1996

- The Clinton Administration, with bipartisan support from Congress, won passage of the landmark 1994 Violence Against Women Act. This legislation represents a turning point in our national effort to break the cycle of domestic violence.
- By combining tough new federal penalties with substantial resources to the states and local communities, this legislation has already had an enormous impact on women and families across the country.
- Last year, all states and territories received a share of \$26 million under the STOP Violence Against Women Program. (STOP stands for Services, Training, Officers and Prosecutors). This year, states are receiving an additional \$130 million in STOP funds. States are using this money to train law enforcement officers, expand law enforcement and prosecution agencies, and develop more effective strategies and programs to prevent violent crimes against women.
- The Act also created several new Federal penalties for interstate domestic violence and harassment. These provisions provide a critical new tool to prosecutors to ensure that batterers do not slip through the cracks of the criminal justice system when they cross state lines. We are working with state and local prosecutors and courts to spread the word about these provisions.
- In addition, the Act made it a federal crime for anyone subject to a domestic violence protective order to possess a firearm. This is in addition to the 1968 firearms act which banned any convicted felon from possessing a firearm. But we should go further in getting guns out of the hands of batterers.
- Today I am calling on Congress to amend the 1968 firearms statute so that if a person is convicted of any crime of domestic violence, not just a felony, he forfeits his right to possess a firearm. Senator Lautenberg has introduced legislation that is similar to this proposal. In fact, Senator Lautenberg's proposal passed the Senate in July. We think this is a good start. We are dismayed that the House did not pass similar legislation before leaving for summer recess. We intend to work with Congress to see that the best legislation reaches my desk.
- We know that states are far from being able to implement such a proposal precisely because many states criminal history record systems do not make distinctions between crimes of domestic violence and other offenses.
- We know all of this and yet we must move ahead. Expanding the firearms statute will immediately put a law on the books that can be enforced in federal court, will encourage states to record crimes as crimes of domestic violence, and may well deter convicted batterers from possessing a firearm in the first place. The time to act is now.

Copr. (C) West 1996 No claim to orig. U.S. govt. works

7/2/94 St. Petersburg Times 1B;4B

1994 WL 4815369

St. Petersburg Times

Copyright 1994

Saturday, July 2, 1994

TAMPA BAY AND STATE; TAMPA TODAY

Troubled marriage ends in tragedy

JANE MEINHARDT; MONICA YANT

For years, they argued. Neighbors heard them, a priest tried to help and police recorded a litany of domestic complaints.

A week ago, Michael Tufano bought a .38-caliber revolver. Friday, he took the gun and two roses when he met with his wife, Donna, to talk about their troubled marriage.

They argued again. She bolted from the car, parked in a shopping center lot. As horrified people watched from a coffee shop, Tufano pumped three bullets at point-blank range into the 30-year-old woman he married three years ago.

He left her body on the pavement at Highland Lakes Square and drove to Safety Harbor to seek solace from the priest who had counseled him. Tufano's mother joined them, but their prayers did not help.

In front of his mother, Tufano turned the gun on himself and fired a shot into his head. When he died, the pink and peach roses for his wife were on the seat of his car. The murder-suicide was the culmination of a relationship marked by emotional abuse, Pinellas County sheriff's spokeswoman Marianne Pasha said. Tufano, 36, and his wife separated periodically.

"This can be characterized as an on-again, off-again situation," she said. "They would get together, get some bills paid. Then something would happen, and she'd leave. They had been in touch to talk about spending some time together this weekend."

The couple had agreed to meet about 7:30 a.m., Pasha said. The parking lot where the two stopped to talk is about a block from the Coral Landings Publix where she was a cashier. Tufano was a deli clerk at the Clearwater Marketplace Publix on McMullen Booth Road.

A half-dozen people saw the couple pull into the Highland Lakes Square shopping center about 8:10 a.m. Several inside Loretta's Restaurant said the pair appeared to be kidding around when the woman jumped out of the moving car. The man, who had been driving, followed.

Paul Anderson and Neal Bressler have met for coffee every morning at Loretta's for

five years. Their table at the center of the restaurant put them just a few feet and a large picture window away from the argument.

"She was crouching," Bressler said, demonstrating how Mrs. Tufano held her arms over her head for protection, "like she was expecting him to do something."

A third witness, Donald Brewster, had pulled into the parking lot to join Anderson and Bressler. He saw the couple struggle, the man hold down the woman with his left arm and then pull a handgun out of his right pants pocket.

Instinctively, Brewster slumped in his seat to hide. He only heard the shots.

Inside the restaurant, Anderson and Bressler saw what they described as an execution-style shooting.

He shot her twice. "Then I saw him take the last shot," a shaken Anderson said, "right to her head."

That was the shot Larry Jones and Don Forbes heard as they were driving by on their way to work in Clearwater. Speeding up, they tried to catch the man, who quickly drove away.

When Jones and Forbes returned to the parking lot, they found Mrs. Tufano in her Publix cashier's uniform, dead on the sun-drenched pavement between two live oak trees.

"She had nothing but a handful of hair," said Jones of New Port Richey.

At Espiritu Santo Catholic Church in Safety Harbor, Father Eric Peters was surprised when Tufano rushed into the church office. It was shortly before 9 a.m.

"He opened the door and went right to Father Eric's office," said Diocese spokesman Tom Derzypolski. "He was very upset. Mike told him not to call 911 or he would kill himself. Father had counseled him over the course of a year. They prayed together. Then he wanted to talk to his mother."

They called Rose Tufano, who hurried to the church office. As Tufano and his mother talked, Peters left the room and called 911. While the priest was out of the room, Tufano shot himself. He died at 9:10 a.m.

Pasha said Tufano bought the gun June 25 at a Tarpon Springs shop. He picked up the gun Wednesday, after the required five-day waiting period.

Michael and Donna Tufano were married in May 1991. Her first marriage, to Gregory Bruce Roughgarden, was in 1983 and they had two children, a boy now 9 and a daughter 7. The couple divorced in June 1989. The children were with Roughgarden on Friday when Mrs. Tufano was killed, Pasha said.

Sheriff's records showed three complaints involving the Tufanos. In July 1991, a deputy gave them domestic mediation literature after the couple argued in a car outside an Oldemar supermarket. Mrs. Tufano called deputies a month later to complain that her husband was "mentally abusing her" and had thrown milk at her.



Washington, D.C. 20530

ELIZABETH HYMAN
Chief of Staff
Violence Against Women
Office
(202) 616-2845 (OFFICE)
(202) 307-3904 (FAX)

DATE: 8/21/96TO: Dennis BurkeFAX #: 456-7028 PHONE #: _____# OF PAGES: 4 (INCLUDING COVER)COMMENTS: Tufano Article. Also see Columbus
Dispatch on Terry Bryant.

Domestic Violence: State Codes on Domestic Violence

There is a large discrepancy in state codes on domestic violence.

Who qualifies for protection?

Most state codes define those who can be protected under domestic violence statutes as those victims that are "family or household members" which includes spouses, parents and children. Some codes provide protection for people who are dating or that have an intimate relationship with the abuser. The Virginia code has a narrow definition, only including spouses or former spouses.

Behavior:

Codes define the nature of domestic violence differently. Here are some examples:

D.C.: any act punishable as a criminal offense.

Pennsylvania: acts that inflict false imprisonment and the physical or sexual abuse of children.

Illinois: a broader definition, which includes emotional distress, harassment, intimidation and willful deprivation.

Virginia: more narrow definition, which only includes acts of violence such as serious bodily injury.

Arrest Codes

Connecticut defines the arrest authority broadly. In other states, there must be more hard evidence that the assault results in bodily injury, the abusive conduct was intended to cause death or serious injury, the perpetrator used a deadly or dangerous weapon, or where an officer believes that continuous domestic violence against the victim is likely.

Missouri: officers can only arrest if they are called back within 12 hours after a domestic violence scene in which they did not arrest.

Hawaii: the officer is required to order the offender to leave a household for a "cooling off" period.

Delaware, Vermont, and West Virginia: do not authorize a warrantless arrest for domestic violence misdemeanors unless the act is committed in the presence of a police officer.

Tennessee: requires that both the victim and the perpetrator must be present, and that the officer must believe that an assault or battery will happen in the near future if the perpetrator is not arrested.

Louisiana: code leaves arrest to discretion of the police officer.

Ohio: the police officer may make a warrantless arrest providing there are "reasonable grounds" for the arrest.

Incident Report

28 jurisdictions has codes which requires law enforcement officers to report on domestic violence calls whether or not an arrest is affected.

Georgia: requires the officer to prepare a written report called the "family violence report."

South Dakota: each law enforcement agency must maintain records on domestic violence for at least five years after a response to the incident.

What can we deduce from this information??

The fact that state codes differ entirely in the arrest codes for domestic violence offenders means that creating a national domestic violence network may not lead to a substantial increase in domestic violence arrests in all states.

FAX TO:

Ann Brooks
(202) 456-7028

FROM:

Fred Alverson, LECC Manager
Columbus, Ohio
(614) 469-2057, ext. 327



At Christa Robinson's request, Barbara VanArsdall, our Victim-Witness Coordinator, and I have been looking for cases in which an individual, charged or convicted with misdemeanor domestic violence, has purchased a handgun and used it in a violent crime.

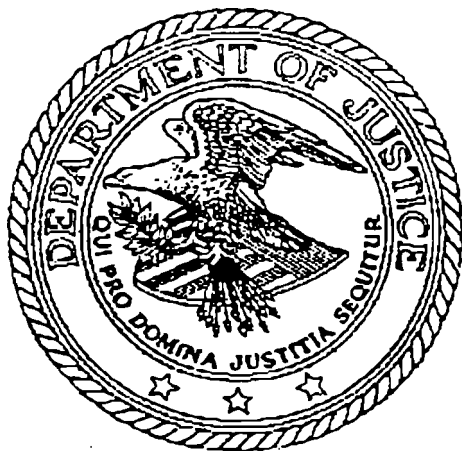
We have a couple of possible examples in which an individual has been convicted of misdemeanor domestic violence, then later used a handgun in the commission of the crime. What we have not been able to determine, however, is if the criminal bought the gun before or after the initial domestic violence charge. This is important!

The most recent case comes from Greene County, Ohio. An individual by the name of Darwin Conley was convicted of misdemeanor domestic violence as part of a plea agreement, placed on probation for 2 years, then six months later kidnapped and fatally shot the woman who had charged him with domestic violence. We got this from a conversation with an individual in the victim/witness section of the county prosecutor's office, but she did not have immediate access to details such as when Conley bought the gun. It could have been purchased before he ever committed the initial crime.

The biggest problem we are running into is trying to find out when the criminal bought the gun. We have other examples, including a well-publicized murder-suicide in Summit County last spring, but getting details will take longer than you have given us to make Monday's announcement. Please call and provide further direction, and give us your phone number which was omitted from your message.

If you have further questions, you can beep me at (614) 460-0145 or call me at home at (614) 876-9418.

U.S. Department of Justice



Washington, D.C. 20530

ELIZABETH HYMAN**Chief of Staff****Violence Against Women
Office****(202) 616-2845 (OFFICE)****(202) 307-3904 (FAX)**DATE: 8/19/96TO: Dennis BurkeFAX #: 456 - 7028 PHONE #: _____# OF PAGES: - 31 - (INCLUDING COVER)

COMMENTS: Dennis - Here's a few articles. It turns out
that it is difficult to find stories of men convicted of M/D
who then get a gun & shoot wives or girlfriends. Talk
to you later. - Liz

The New York Times, February 15, 1996

At a hearing, Judge Schwartzwald increased the bond on Mr. Oliver from \$2,000 to \$5,000. "I see I am looking at your record," Judge Schwartzwald said. "Your record is actually a terrible record."

Yesterday, Mr. Schwartzwald said: "I did it because I thought the allegations were serious. And I thought the man was dangerous."

Three weeks later, Judge Duckman reduced the bond to \$2,000.

The judge also said he was convinced that Mr. Oliver would leave Ms. Komar alone if his dog was returned to him.

Judge Duckman explained: "By getting the dog back to Mr. Oliver, that would eliminate one of the problems we have had and do a great deal toward assuring the safety of Ms. Komar, as well as putting the dog back into the hands of somebody who can actually care for the dog, because I didn't want anything to happen to the dog, either."

GRAPHIC: Photo: Mayor Rudolph W. Giuliani has challenged Judge Lorin Duckman to explain why he freed Benito Oliver over protests of prosecutors trying to protect Mr. Oliver's ex-girlfriend, Galina Komar, who was later killed. At Ms. Komar's funeral yesterday, the Mayor comforted Asya Komisarchik, her mother. (Chester Higgins Jr./The New York Times)

LANGUAGE: ENGLISH

LOAD-DATE: February 15, 1996

PAGE 1

LEVEL 1 - 1 OF 1 STORY

Copyright 1996 The New York Times Company
The New York Times

February 15, 1996, Thursday, Late Edition - Final

SECTION: Section B; Page 3; Column 4; Metropolitan Desk

LENGTH: 966 words

HEADLINE: Judge Rebuked After a Woman Is Slain

BYLINE: By DON VAN NATTA Jr.

BODY:

Gov. George E. Pataki and Mayor Rudolph W. Giuliani yesterday criticized a Brooklyn judge for freeing a violent felon who later killed his former girlfriend at a Queens car dealership, a slaying carried out several weeks after she had sought protection from the courts.

Using uncharacteristically harsh language, Mr. Pataki and Mr. Giuliani challenged Judge Lorin Duckman to explain why he chose to free the man, Benito Oliver, 35, of New Rochelle, despite the protests of prosecutors who had tried to protect his former girlfriend, Galina Komar, 33, who was killed on Monday.

Mr. Giuliani said he would try on several fronts to have the judge removed, possibly through impeachment.

Mr. Pataki called the case "a travesty of justice," saying that Judge Duckman's actions "raise serious questions about his fitness to continue to serve" on the bench.

"For the judge to have permitted him to be at liberty on such facts is an outrage," Mr. Pataki said.

The case is the latest of several that the Governor and Mayor have seized on as examples of a judicial system that they say is more concerned with the rights of criminals than with those of victims. Mr. Pataki, in particular, has been sharply critical of the Court of Appeals for rulings that he maintains go too far in protecting the rights of criminal defendants.

In the latest case, at about 12:40 P.M. Monday, Mr. Oliver walked into the Koeppe Volkswagen dealership in Woodside, where Ms. Komar worked, and shot her once in the head with a .44-caliber revolver. Mr. Oliver then shot himself in the head. Both died instantly.

Three weeks earlier, Mr. Oliver was jailed and charged with attacking Ms. Komar three times in late November and December. Ms. Komar told the police that he had placed a butcher's knife against her throat and threatened to kill her.

After Mr. Oliver posted a \$2,000 bond on Dec. 27, the police immediately arrested him again, charging him with placing three threatening phone calls to

Ms. Komar from his jail cell at the Brooklyn House of Detention. A judge set bond at \$5,000.

PAGE 2

The New York Times, February 15, 1996

But on Jan. 24, Judge Duckman reduced Mr. Oliver's bail to \$2,000, saying he did not believe he should be jailed any longer on charges that he had violated a court order of protection. In New York State, the crimes of stalking and violating protection orders are misdemeanors that do not carry long prison terms. Because of that, judges are often powerless to keep a person accused of stalking someone in jail for a long period, lawyers say.

Even if Mr. Oliver were convicted of all charges, he faced a maximum of two years in prison, prosecutors said. At the Jan. 24 hearing, Judge Duckman pointed out that Mr. Oliver had been in jail for 40 days, "which could be the maximum imprisonment assuming that he is convicted," he said.

Mr. Oliver's release drew angry criticism from prosecutors, who had argued that Mr. Oliver had three felony convictions, including one for rape in 1977. They also argued that Mr. Oliver had injured Ms. Komar, putting bruises on her forehead and arms and bumps on her head.

But Judge Duckman dismissed those arguments. "I am not suggesting that bruising is nice, but there is no disfigurement," he told a prosecutor at the hearing. "There are no broken bones. There are no serious physical injury charges, are there?"

At a news conference yesterday, Mr. Giuliani, who went to Ms. Komar's funeral yesterday, said, "I think the judge should be required to explain how it is that he works hard to let out on bail someone that a woman said had bruised her, someone that a woman said was terrorizing her, someone who has a long history of criminal activity."

Judge Duckman did not return calls to his home and office yesterday.

More than once at the Jan. 24 hearing, Judge Duckman said he wanted Mr. Oliver to be released from jail so he could be reunited with his dog. While in jail, Mr. Oliver had phoned Ms. Komar, telling her he wanted his dog returned to him.

"He has been in jail enough for a person who is charged with these crimes," Judge Duckman said. "I want to know about the dog."

The assistant district attorney at the hearing, Patria Frias, challenged the judge. "If something as simple as a dog can irritate him where he is threatening the complainant over the phone," Ms. Frias said, "then I am really worried about what he can do if he gets out."

Mr. Giuliani's attacks on Judge Duckman came after he criticized a Federal judge who ruled that 80 pounds of drugs were illegally seized in a drug case.

And in December, Mayor Giuliani demoted two Brooklyn Criminal Court judges, refusing to give them 10-year terms and instead giving them one-year interim appointments. He also challenged their qualifications to sit on the bench.

Coincidentally, one of the judges Mr. Giuliani had demoted -- Judge Eugene L.

Schwartzwald -- increased Mr. Oliver's bail on Jan. 2, just days after the Mayor had questioned his qualifications.

NJ case

PAGE 11

People, July 11, 1994

SECTION: UP FRONT; Pg. 36

LENGTH: 1277 words

HEADLINE: THE OTHER NICOLE;

On the same day Nicole Simpson was killed, Nicole Leps was murdered by an ex-boyfriend in a classic, if uncelebrated, case of domestic violence

BYLINE: BILL HEWITT

MARIA EFTIMIADES in Winslow Township

BODY:

THEY SHARED A FIRST NAME AND A BLOODY fate, though precious little else. On June 12, Nicole Brown Simpson was slashed to death along with her friend Ronald Goldman in Los Angeles, allegedly by ex-husband O.J. Simpson. The courts have yet to determine Simpson's guilt or innocence, but the couple's stormy relationship has already focused considerable attention on the problem of spousal abuse. Meanwhile, on the same day, in the southern New Jersey township of Winslow, Nicole Leps, 24, was fatally shot by her ex-boyfriend, Nicholas Spennato, 24. Only in this case, the killing went comparatively unnoticed, a local tragedy rather than a national scandal.

Call her the other Nicole -- and let her stand for the roughly 2,500 women who die each year in this country at the hands of their romantic partners. Several million more are attacked and brutalized by the men in their lives. On the weekend of June 11 alone, the San Diego Police Department recorded 141 domestic violence reports, and at a battered women's shelter in suburban Minneapolis there were 36 requests for help. All across the country the number of calls jumped once news of the Simpson murder spread.

For Nicole Leps, the weekend of June 11 had been spent trying to dodge Spennato, with whom she had been trying to break up since February. On Sunday evening she had a friend drive her to a waitressing shift at the Fireside Steakhouse so that he wouldn't see her Geo Storm in the parking lot. But around 7:30, Spennato showed up at the restaurant anyway. He took a seat at the bar and began directing obscenities at Leps as she walked by. Finally the manager called the police. Officer Daniel Calabrese, 38, soon arrived and asked Spennato for some identification. He then asked what was in the fanny pack around Spennato's waist. In reply, Spennato pulled out a .45-cal. semiautomatic pistol and shot Calabrese, the father of two, in the groin and the chest, wounding him fatally.

As patrons screamed and dove for cover, Leps fled to the back of the kitchen. Spennato quickly tracked her down. A cook heard him say to her, "See what you made me do? You're not going to get away with this, Nicole!" She begged him, "Oh, no, Nick." Spennato shot her in the head and the hip, then pointed the gun into his own mouth and pulled the trigger. When police arrived moments later, they found the former lovers lying side by side.

To be, in effect, executed in a public place lent an added dimension of horror to the murder of Nicole Leps. But in many respects the tragic arc of her relationship with Spennato followed a pattern familiar to abuse experts: the

No priors
Police Officer Shot & Killed

People, July 11, 1994

abuse. "They're not so much in love as in obsession. But they want to bring this woman into control so they can feel better about themselves."

Perhaps, above all, the murder of Leps illustrates just how easily any woman can become a victim of abuse. Certainly in her personality and background, Leps hardly seemed fated to end up as a statistic. She grew up in Winslow Township, the youngest of three children of Charles and Mary Beth Leps, who until recently ran a local liquor store. Pretty and outgoing, Nicole was Homecoming Queen and captain of the girls soccer team at Edgewood Regional High School. After majoring in biology and psychology at Salisbury State University in Maryland, she returned home and lived with her parents while working as a substitute teacher at her old junior high school. Her ambition: to become a school psychologist.

Nicole met Spennato last fall when she and some friends went to a nightclub where he performed as an exotic dancer. Spennato, who lived in nearby Mount Holly, N.J., was a muscular 5 ft.10 in., 185-pounder who danced under the stage name Nico. The pair hit it off and began dating. But it didn't take long for hints of trouble to appear. Nicole brought Spennato home to meet her parents eight months ago. "I told her, 'I don't like him,' " says Mary Beth. "It was a mother's intuition."

Only later did the Leps learn that Spennato had a police record. He apparently told Nicole he was on parole for robbing a convenience store. In fact he had been released from prison after serving only three months of his five-year sentence for breaking into a home in 1990 and stealing \$50,000 worth of musical equipment. During the robbery he and his three accomplices had tied up a woman and her son and beaten the boy savagely with sawed-off pool cues. Nicole seemed to downplay his past. "Maybe she thought she could change him," says Mary Beth.

Instead, Spennato's behavior became abusive. One night last March he and Leps were having a snack of chicken wings at her sister Zina Buete's house. Nothing seemed amiss until Nicole decided to try a little of Spennato's spicy sauce. "My sister picked up Nicholas's plate and poured a tiny bit of the juice onto hers," recalls Zina, 30. "He freaked out. He's screaming, 'What the hell's the matter with you!' and he started cursing her." Zina and her husband, Les, were stunned. Later when Les told his sister-in-law, "You better watch your ass," Nicole brushed off the incident. "She said, 'Oh, he loses his temper once in a while.' "

In the months that followed, however, it became increasingly clear that Spennato was more than just a hothead. For one thing, he was possessive to the point that he was jealous of Nicole's relationship with Zina's children, Alysha Nicole, 4, and Christopher, 21 months. "He would holler at her," says Zina. "He thought she spent more time with us than with him." As for physical abuse, Nicole never confided to family or friends that Spennato had brutalized her, but there were suspicions. "One time I saw a bruise on her face," says Zina. "She said they had been kidding around and something happened."

When Leps began trying to break up with Spennato, the time in many abuse

cases when the victim is at greatest peril, he reacted with growing fury. In the weeks before the murder, he followed her, hid in the bushes across from the Lepses' home and called there constantly, hanging up whenever anyone else answered. Charles and Mary Beth later learned that he had threatened the

PAGE 13

People, July 11, 1994

family, telling Leps, "If you don't stay with me, I will kill everyone you love." On the night of June 11, she returned home late to find Spennato waiting outside. After she entered the house, he climbed on the roof and headed for her bedroom window. She called the police. Three officers quickly arrived, but Spennato had already gone. Leps never told the officers about the harassment and threats.

By the next evening, Nicole was dead. In the aftermath of her murder, family, friends and authorities were left feeling an enormous sense of frustration over a tragedy that seemed preventable. "She had every reason to be afraid of this guy," says Winslow police chief Anthony Bello, "but that wasn't conveyed to the police." Zina agrees, especially after seeing the Simpson case unfold at the same time. "My sister never reached out for help like the other Nicole tried to do," she says. Instead, like many other abused women, she suffered in silence, perhaps out of shame or the feeble hope that her tormentor would simply go away. Later, after her sister's death, Zina found a calendar in Nicole's room. On it the date June 4 had been circled and marked with the words "I'm through with Nicholas."

GRAPHIC: Picture 1, Killer Nicholas Spennato was working as an exotic dancer when Nicole first met him. descBlack and white: Nicholas Spennato., A CLASS ACT ENTERTAINMENT/PHILADELPHIA INQUIRER; Picture 2, "He was a time bomb," says Mary Beth Leps of the man who killed her daughter. descBlack and white: Mary Beth Leps holding a photograph of Nicole Leps., Photographs by Nina Berman/Sipa Press; Picture 3, "Nicole was hiding a lot of things," says a waitress friend at the Fireside Steakhouse. descBlack and white: Sign in front of the Fireside Steakhouse and Lounge in Winslow, New Jersey., Photographs by Nina Berman/Sipa Press; Picture 4, Officer Calabrese was Spennato's first murder victim. descBlack and white: Daniel Calabrese., NO CREDIT; Picture 5, Nicole was radiant at her Junior Prom in 1986. descBlack and white: Nicole Leps., COURTESY LEPS FAMILY; Picture 6, Mary Beth and father Charles (right, next to Nicole) worried as her isolation grew. descBlack and white: Mary Beth Leps, Nicole Leps and Charles Leps with others., COURTESY LEPS FAMILY

LANGUAGE: ENGLISH

LEVEL 1 - 4 OF 6 STORIES

Copyright 1994 The New York Times Company: Abstracts
Information Bank Abstracts
PHILADELPHIA INQUIRER

June 18, 1994, Saturday

SECTION: Section A; Page 1, Column 1

LENGTH: 53 words

HEADLINE: 1,000 OFFICERS CONVERGE TO SALUTE SLAIN N.J. COMRADE

BYLINE: BY GWEN FLORIO and ED ENGEL

PAGE 5

USA TODAY, July 13, 1994

July 13, 1994, Wednesday, FINAL EDITION

SECTION: NEWS; Pg. 3A

LENGTH: 1905 words

HEADLINE: Women who become statistics

BYLINE: Andrea Stone; Erin Einhorn; Margaret Litvin

BODY:

There were no banner headlines for Misty Marchant. No radio call-in shows on Mary Rivas. The TV networks never mentioned Rosa Maria Vargas.

Yet, since the murder a month ago of Nicole Brown Simpson - to which O.J. Simpson has pleaded innocent - these women shared a common fate, if not Nicole's fame. Each, police charge, were slain by a husband or boyfriend.

Battered in life, unheralded in death, 2,500 women a year are killed by intimate partners.

"It hasn't had this much attention or interest because it's so commonplace," says Rita Smith of the National Coalition Against Domestic Violence. Yet, "It's the leading cause of homicide for women."

Beyond antiseptic police blotters and coroners' reports, though, their stories are seldom told. Here, then, is what happened to eight ordinary women since the Simpson case:

West Point, Utah

In April, Misty Marchant begged prosecutors not to jail her husband for threatening her with a gun.

"She said, 'I don't want him around when he's been drinking,' " recalls Davis County, Utah, prosecutor Carvel Harward. "But, 'When he's sober, he's generally quite nice.' "

So Kenneth Marchant, 29, who had appeared often in court for battering his wife, was placed under a restraining order and given probation.

The next month, Misty, 32, filed for divorce.

On July 3, as the couple's 5-year-old daughter cried on a taped 911 emergency call, Misty Marchant begged Kenneth not to shoot her boyfriend.

When police arrived, they found Misty and Kirt Swann, 32, dead. Each had been shot with a 12-gauge shotgun and a .22-caliber handgun.

Kenneth was later found at his father's home, dead of a self-inflicted gunshot wound.

See p. 6. Prior for
stalking; obtained gun-
& shot wife

Like so many battered women, Harward says, "She had the sincere hope they could try to work things out."

PAGE 6

USA TODAY, July 13, 1994

Gloucester, Mass.

Jennifer Chute always got defensive when friends told her to end her abusive 10-year relationship with John Masello.

"She'd say, 'You don't know him. It's not like that anymore. He's changed,' " says friend Denise Spurlock. "She wanted to marry him. She said, 'I want a ring by December.' "

But Chute's life ended June 26. That's when police say Masello shot the 24-year-old in the head as she cried on the phone to her mother.

Spurlock says Chute seemed happier than in years. She and Masello, a truck driver, had moved in together to mend their relationship. Chute busily furnished their new home.

It was there, after a five-hour fight, that her life ended.

"What disturbs me," says Spurlock, "is not one person called the police. That might have saved Jennifer's life."

Masello, 29, has pleaded innocent of murder and is being held on \$ 200,000 bail.

Palm Harbor, Fla.

After three years of fighting, stalking, separations and prayers, the roller-coaster marriage of Michael and Donna Tufano came to an abrupt end July 1 in a shopping center parking lot.

As horrified coffee shop patrons looked on, Michael followed Donna from the couple's parked car, pulled a handgun from his right pants pocket, and fired three bullets into his wife at point-blank range.

He then drove to nearby Safety Harbor to see a priest who had counseled him. Tufano's mother soon arrived at the church. All three prayed.

Then in front of his mother, he shot himself in the head.

In June 1993, Tufano was arrested for stalking his wife. He pleaded no contest and was given a four-month probation.

The couple was separated when they agreed to talk things over near the Publix supermarket where Donna worked.

Michael brought two roses, one pink, one peach. He also brought a .38-caliber revolver he'd purchased last month and picked up after the required five-day waiting period.

"About 75% of the women who are killed by domestic abusers are killed after they've left or while they're trying to leave," says Linda Osmundsen of St.

08/19/96

10:21

202 307 2008

PHTF

014

Petersburg's Center Against Spouse Abuse.

Kissimmee, Fla.

TO: CHRISTA ROBINSON
FROM: ALANA BOWMAN

HERE IS A COPY OF THE CA DV STATUTE
PREVENTING POSSESSION OF A FIREARM BY
ANYONE CONVICTED OF A MISC DV CRIME
(SPOUSAL ABUSE - 273.5) VIOLATION OF A
DV RESTRAINING ORDER; 273.6; OR STALKING
& 646.9) - ALL CA PENAL CODE SECTIONS

SORRY - I'm ON THE RUN BETWEEN
MEETINGS - GOOD LUCK

A/ana

§ 12021. Specified convictions; narcotic addiction; condition of probation; restrictions on firearm possession; punishment; employment needs; relief from prohibition

(a)(1) Any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or of an offense enumerated in subdivision (a), (b), or (d) of Section 12001.6, or who is addicted to the use of any narcotic drug, who owns or has in his or her possession or under his or her custody or control any firearm is guilty of a felony.

(2) Any person who has two or more convictions for violating paragraph (2) of subdivision (a) of Section 417 and who owns or has in his or her possession or under his or her custody or control any firearm is guilty of a felony.

(b) Notwithstanding subdivision (a), any person who has been convicted of a felony or of an offense enumerated in Section 12001.6, when that conviction results from certification by the juvenile court for prosecution as an adult in an adult court under Section 707 of the Welfare and Institutions Code, who owns or has in his or her possession or under his or her custody or control any firearm is guilty of a felony.

(c)(1) Except as provided in subdivision (a) or paragraph (2) of this subdivision, any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.5, or 140, subdivision (d) of Section 143, Section 171b, 171c, 171d, 186.28, 240, 241, 242, 243, 244.5, 245, 245.5, 246, 246.3, 247, 273.5, 273.6, 417, 417.1, 417.2, 417.6, 626.9, 646.9, * * * 12023, or 12024, subdivision (b) or (d) of Section 12034, Section 12040, subdivision (b) of Section 12072, subdivision (a) of former Section 12100, Section 12220, 12320, or 12590, or Section 8100, 8101, or 8103 of the Welfare and Institutions Code, any firearm-related offense pursuant to Sections 871.5 and 1001.5 of the Welfare and Institutions Code, or of the conduct punished in paragraph (3) of subdivision (g) of Section 12072, and who, within 10 years of the conviction, owns, or has in his or her possession or under his or her custody or control, any firearm is guilty of a public offense, which shall be punishable by imprisonment in * * * a county jail not exceeding one year or in the state prison, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine. The court, on forms prescribed by the Department of Justice, shall notify the department of persons subject to this subdivision. However, the prohibition in this paragraph may be reduced, eliminated, or conditioned as provided in paragraph (2) or (3).

(2) Any person employed as a peace officer described in Section 830.1, 830.2, 830.31, 830.32, 830.33, or 830.5 whose employment or livelihood is dependent on the ability to legally possess a firearm, who is subject to the prohibition imposed by this subdivision because of a conviction under Section 273.5, 273.6, or 646.9, may petition the court only once for relief from this prohibition. The petition shall be filed with the court in which the petitioner was sentenced. If possible, the matter shall be heard before the same judge that sentenced the petitioner. Upon filing the petition, the clerk of the court shall set the hearing date and shall notify the petitioner and the prosecuting attorney of the date of the hearing. Upon making each of the following findings, the court may reduce or eliminate the prohibition, impose conditions on reduction or elimination of the prohibition, or otherwise grant relief from the prohibition as the court deems appropriate:

(A) Finds by a preponderance of the evidence that the petitioner is likely to use a firearm in a safe and lawful manner.

(B) Finds that the petitioner is not within a prohibited class as specified in subdivision (a), (b), (d), (e), or (g) or Section 12021.1, and the court is not presented with any credible evidence that the petitioner is a person described in Section 8100 or 8103 of the Welfare and Institutions Code.

(C) Finds that the petitioner does not have a previous conviction under this subdivision no matter when the prior conviction occurred.

In making its decision, the court shall consider the petitioner's continued employment, the interest of justice, any relevant evidence, and the totality of the circumstances. The court shall require, as a condition of granting relief from the prohibition under this section, that the petitioner agree to participate in counseling as deemed appropriate by the court. Relief from the prohibition shall not relieve any other person or entity from any liability that might otherwise be imposed. It is the intent of the Legislature that courts exercise broad discretion in fashioning appropriate relief under this paragraph in cases in which relief is warranted. However, nothing in this paragraph shall be construed to require courts to grant relief to any particular petitioner. It is the intent of the Legislature to permit persons who were convicted of an offense specified in Section 273.5, 273.6, or 646.9 to seek relief from the prohibition imposed by this subdivision.

(3) Any person who is subject to the prohibition imposed by this subdivision because of a conviction prior to January 1, 1991, may petition the court only once for relief from this prohibition. The petition shall be filed with the court in which the petitioner was sentenced. If possible, the matter shall be heard before the same judge that sentenced the petitioner. Upon filing the petition, the clerk of the court shall set the hearing date and notify the petitioner and the prosecuting attorney of the date of the hearing. Upon making each of the



OFFICE OF THE
DISTRICT ATTORNEY

SACRAMENTO COUNTY

JAN SCULLY
DISTRICT ATTORNEY

CYNTHIA G. BESEMER
CHIEF DEPUTY

**FACSIMILE TRANSMISSION
COVER SHEET**

DATE: 8/22/96

TRANSMISSION TIME: 11⁵⁰ AM PST

TO:

Ann Brooks

White House Office on Domestic Policy

Telephone #:

202-456-5603

FAX #:

202-456-7028

FROM:

Debra Monahan

Telephone #:

916-440-5877

FAX #:

(916) 552-8859

WE ARE SENDING A TOTAL OF 6 PAGES, INCLUDING THIS COVER SHEET.

IF YOU DO NOT RECEIVE THE INDICATED PAGES OR THERE IS SOME OTHER PROBLEM, PLEASE CALL US AT (916) 440-5877.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. fax	Sacramento Police Department Homicide Media Information [Personally Identifiable Information] [partial] (1 page)	01/20/1996	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Jose Cerda
OA/Box Number: 16953

FOLDER TITLE:

Domestic Violence: Cases

2016-0931-S
rc2258

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



SACRAMENTO POLICE DEPARTMENT
HOMICIDE **ORIGINAL**
MEDIA INFORMATION

DATE/TIME: 1/20/96, 0100 hrs.

DATE/TIME OF INCIDENT 1/19/95, 2055 hrs.

LOCATION: 2278 67th Ave

SUMMARY:

The investigation continues this evening into the murder of Marcel J. Lofton, a 15 yr. old male, who was shot and killed in the residence located at 2278 67th Ave. The preliminary investigation has revealed that the victim was at an informal gathering at the residence following the funeral of a friend. The suspects ex-wife, who has been recently harassed by the suspect, was also attending the informal function. The suspect, uninvited, arrived and entered the residence and shot the victim who was seated near the ex-wife in the residence, in an apparent irrational, jealous rage. After shooting the victim, the suspect left the residence and moments later returned inside and shot the victim again. The suspect subsequently fled from the residence in his Honda Accord sedan, white in color with tinted windows, Calif license #3EOJ102. The suspect should be considered armed and dangerous. The suspect is identified as :

Frederick Renae Carter, Male Black 31 yrs

D.O.B. (b)(6) [001]

6-1, 220 lbs, Black hair, Brown eyes.

Wears braces on his teeth and black framed eyeglasses.

A photograph is currently available at the Hall Of Justice.

Anyone with information regarding the suspect should contact Crime Alert at 443-HELP.

Sgt. John Parker, Homicide

264-5694

METRO

STATE

► OBITUARIES

Slain teen was in 'wrong place at wrong time'

By Elias Rocha
Bee Staff Writer

Marcel Lofton didn't know the family who had gathered Friday evening to remember and mourn the loss of Vera White, the woman they had buried earlier the same day.

Still, the 15-year-old Hiram Johnson High School sophomore attended the informal wake following the services with his

sister, who had sung at the funeral, and to offer comfort to some buddies who were close to one of White's daughters.

His concern moved him from honoring the death of another to the scene of his own.

The shots that rang out amid the mourners, police said Saturday, were fired by the ex-husband of one of White's daughters. He reportedly had seen her talking to another man at the funeral and, nurturing a rage,

carried it to the wake at the home of a member of Vera White's family on 67th Avenue, where he slugged another man and then opened fire. He was identified in a warrant as Frederick Renae Carter, 31.

Tybeya Lofton, Marcel's 17-year-old sister who sang a Christian hymn at the funeral, watched as her brother was shot and killed.

"It looked like he (the assailant) was carrying a BB gun," she said. "Then we heard

the shots and everybody was running for their lives. I heard Carter say something like, 'Here's what you get for being near my wife.'

"He left, then he busted through the door again and shot my little brother again. I watched him die and didn't get to tell him I loved him."

"Marcel was just an unfortunate victim

Please see MARCH, page B9

Marcel: Suspect failed to turn himself in

Continued from page B1
who happened to be there," said Sacramento Police Detective John Parker. "He was at the wrong place at the wrong time. The suspect had attended the funeral earlier and had seen his ex-wife with a man. He went into a jealous rage. He showed up at the semi-wake and shot the victim. Marcel just happened to be the male sitting closest to his ex-wife."

Parker said Carter, who has been reported recently for harassing his ex-wife, called police Saturday and indicated he wanted to turn himself in, but failed to show up. The name of his ex-wife was not immediately available.

Marcel's parents, Linda and Michael Lofton, struggled Saturday to cope with the loss of their youngest son, who also played the drums at the family church.

"He was a wonderful boy," Michael Lofton said. "He was our baby, never gave us any trouble. He was loved and he was loving. If not for his sports, he preferred to



Marcel
Lofton

The Hiram
Johnson
High athlete
dreamed of
being a pilot.

stay home. If I had told him last night to stay and play dominoes with me, he would have stayed. He would be alive today."

Linda Lofton cannot comprehend the act of violence. She's the kind of mother who knows all her children's friends, as well as their telephone numbers, which she keeps posted on the refrigerator door.

If it had been committed by another teenager, perhaps she could handle it better, she surmised.

But to have a grown man allegedly "shoot and kill a 15-year-old child is sad," she said. "They

didn't even know each other. My boy was only 15, he didn't look like he was 21 or older. He (the suspect) even has a 13-year-old son. ... I wonder how he would feel if it had been his son."

Tybeya Lofton wrapped a comforting arm around her mother, who gingerly touched a Hiram Johnson trophy Marcel received for junior varsity football. An all-around athlete, Marcel also played baseball and wrestled. He was enrolled in an aviation program and dreamed about joining the Air Force and becoming a pilot. He and his father often worked out together at a gym.

"I was in the Air Force, so he wanted to be in the Air Force," Michael Lofton said. "I played football, so he played football. He had his dreams. He had a lot of things going for him."

"Our faith will get us through this," Linda Lofton said. "All I want to say to other mothers and fathers is to love your children while you have them."

ORIGINAL

64

Bee 1-20-96

Teen slain visiting friend's home

Bee Metro Staff

A 15-year-old boy was shot and killed Friday night during an altercation inside a Meadowview area home, authorities said.

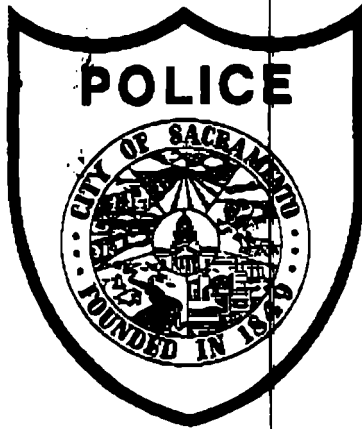
The boy, whose name was withheld pending notification of family members, received numerous gunshot wounds to the chest. He was pronounced dead at UC Davis Medical Center shortly after the 9 p.m. shooting, according to Sacramento Police Lt. Ted Mandalla.

The victim was visiting friends on 67th Street, south of Florin Road, when a man who had been feuding with the residents kicked in the front door, Mandalla said.

Witnesses said the assailant — whose name was not released — began fighting with a woman he had been dating, then drew a handgun and began firing.

The victim was "totally uninvolved" in the initial confrontation, said Mandalla. "He just happened to be there."

ORIGINAL



ORIGINAL
SACRAMENTO POLICE DEPARTMENT

HOMICIDE

MEDIA INFORMATION

DATE/TIME: 1/21/96, 1045
DATE/TIME OF INCIDENT 1/19/96, 2055
LOCATION: 2278 67th Ave
SUMMARY:

UPDATE

This is an update to the previous releases regarding the murder of Marcel Lofton at the above listed address.

On Sunday morning, 1/21/96, 1030 hrs., suspect Frederick Renae Carter, Male Black 31 yrs., surrendered himself with his attorney to Sacramento Police Department Homicide investigators. The surrender is no doubt in response to the media coverage of the incident, thanks again for your assistance.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. bulletin	Internal Wanted Persons Bulletin (1 page)	01/19/1996	b(7)(E), b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Jose Cerda
OA/Box Number: 16953

FOLDER TITLE:

Domestic Violence: Cases

2016-0931-S
rc2258

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

LOS ANGELES POLICE DEPARTMENT

Investigative Analysis Section

150 North Los Angeles Street

Room 810

Los Angeles, California 90012



Telephone: (213) 485-2676

FAX: (213) 485-6625

Date: 8-23-96

Number of Pages: Cover + 19

To: CHRISTA ROBINSON

FAX Number: _____

From: Detective Cody Norris

Message: _____

PLEASE CALL FOR MY CLARIFICATION

Brief synopsis of a Los Angeles Police Department investigation of the murder of a woman by her husband, in which a handgun was used and the husband had a prior conviction for a domestic violence offense

In 1991, thirty-six year old Candido Ramirez was convicted of Penal Code Section 273.5 - Spousal Battery. That case entailed strangulation and stabbing.

After serving seventeen months of a three year sentence, Ramirez was released from prison in 1992.

Prior to his release, two restraining orders were obtained by his spouse, listing Ramirez as the restrained party. Seven months later, on May 9, 1993, Ramirez shot and killed his estranged wife in the presence of their son. The weapon used was a handgun.

Ramirez is currently serving a sentence of 23 years to life in state prison.



At her daughter's grave, Maria Lopez reads an old letter written by the murdered woman, Irene Rivera, to Lopez's granddaughter, Vanessa Marmolejo. S. Rivera was killed by her boyfriend, Michael Silva, who committed suicide.

Till Death do us part

Horror, despair mark lives
of women killed by domestic
violence in 1993

Stories by Stuart Dedic
and Ken Leiser

STAFF WRITERS

Bruised physically and emotionally by an alcoholic husband, Ann Marquez turned to someone she could trust:

"Dear God," she wrote in her diary, "please don't let Misael come home mad again."

Marquez's desperate plea, crafted in the Compton trailer where she and Misael Herrera lived, would go

unanswered. The beatings did not stop.

One winter evening 14 months later, Herrera came home from work in another rage. This time, he unleashed his fury with a .45-caliber handgun instead of the fists he had beaten her with for the past four years.

Nine days into 1993, Ann Marquez became the fifth woman in Los Angeles County to die at the hands of an abusive male partner.

DEATH/AE

Daily Breeze Sept. 18, 1994

Death: Despair marked lives

FROM PAGE A1

In the year before the nation learned of the bloody slashing death of Nicole Brown Simpson and her violent relationship with ex-husband O.J. Simpson, 56 women were killed in Los Angeles County in acts characterized by police as domestic violence.

A review of the cases by *The Daily News* found:

■ Victims crossed all economic and geographic lines. They died in Compton and South-Central Los Angeles; Bel-Air and Beverly Hills.

■ Many of the victims were young: 23 had not yet reached their 30s; the youngest was 14 years old.

■ Nearly half of the victims were killed in their bedrooms. "Symbolically, it represents a room where this couple had the most intimacy," one analyst said.

One-fourth of the victims were killed after they moved away. "Some men would rather kill a wife than see her leave," a psychiatrist said.

Guns were the most common weapon used in the slayings and related suicides. Firearms accounted for 33 of the 56 deaths — roughly the same ratio as all homicides nationwide.

Many of the abusers had used alcohol or drugs on the day they became killers.

■ Many of the victims were unfamiliar with or intimidated by the criminal justice and civil court system designed to protect them.

Their stories were eerily similar. Many shared the abusive pattern — threats, beatings, loss of control — that thousands of women endure.

Most of them confided in someone. They tried abuse hotlines, the police, the courts, their families, their closest friends. But nobody could save the 56 women trapped by deadly bonds.

□□□

"Help me be a better wife. I know he doesn't like me to be fat, the way I am. I want to lose weight. I want you to help me with that."

Marquez's letter to God was testimony to four years of hell. Soon after she married Rivera, he isolated her from friends and family in a trailer with no telephone. He called her a "fat pig," slapped her face, spent her welfare checks,

controlled her every move.

He was more of a jailer than a husband.

So was Danny Cohea. He kept girlfriend Cheryl Amos so isolated from her family that the first time they met her twin sons was Jan. 3, 1993, the night Cohea killed her.

At home, Amos needed Cohea's permission to drink a glass of wine or eat sweets. He told her how to dress for work — she applied nail polish after she arrived and removed it before she went home — and gave her an allowance so meager she couldn't afford to bring food to company potlucks.

He drove her to and from work, Kaiser Hospital in Hollywood, and told her which exit door to use. If she disobeyed, he beat her.

In public, it was a slap. At home, Cohea used his fists, a belt, a knotted extension cord or billy club. When he hurt her — like the Valentine's Day he bruised her hand so badly she couldn't move it — he forbid her to get treatment.

Even after Amos became pregnant with the twins, Cohea continued the abuse, accusing her of having sex with someone else. According to her daughter, Amos never resisted, never fought back.

Amos kept the violence a secret from family, co-workers and police.

"Cheryl was the perfect victim in this respect," said Deputy District Attorney Patricia Redifer. "She never reported Danny and she always covered up for him."

Her co-workers saw through the lies, though.

Friend Gladys Boudoin recalls the excuses Amos once gave for bruised ribs and a broken nose, and how she grew so pale, presumably from staying indoors, workers began calling her "Casper," after the cartoon ghost.

"There were obvious things to me, and there was no way for me to say Danny did it," Boudoin said. "If they don't open the door, you can't go in and help."

Vickie Shubert tried.

She told her developmentally disabled daughter, Lisa, to stop seeing George Glavis. She forbid her to bring Glavis into their Lawndale home. Once, she had to pick up Lisa at Glavis' Torrance house and take her to the hospital to treat a broken nose.

Eight months later, Glavis killed Lisa with a single stab wound to the heart. They had dated for three years.

"He'd tell her, 'You're fat. You're ugly. You're stupid and you better thank God you have me for a boyfriend,'" recalled Shubert. "Lisa was lovesick. She'd never had a boyfriend before."

Emotional abuse is common in domestic violence and part of the reason many victims talk themselves into staying.

"The idea is to exert power or control," said Cheryl Majka, a director at Rainbow Services domestic violence center in San Pedro. "If you're in that kind of environment, you start doubting your self-worth. Women wind up feeling traumatized and not sure of themselves."

Like Amos and Marquez,

reported the abuse to authorities. Even those who followed conventional wisdom and left abusive relationships were not immune. One-fourth of the victims were killed after they had moved away.

"Some men would rather kill a wife than see her leave," said Armando Morales, professor of psychiatry at UCLA.

Marquez fit the profile of the county's most typical domestic murder victim in 1993. She was Latina, a mother and a victim of repeated abuse, both physical and emotional. And she stayed in a relationship laced with machismo.

"In Mexico, it's always been like that: 'If you're not mine, you're not going to be anybody else's,'" said Jesse Vasquez, a Mexican immigrant whose daughter, Leticia, was shot to death last year by her boyfriend in Hawthorne.

"A woman, you went out with one boyfriend. If you went out with two: it would be a problem. Somebody was going to die."

And when someone did, a gory rage overshadowed the deaths.

Marina Herrera was stabbed 47 times.

Simone Taylor was beaten, shot in the head and her house set ablaze by her boyfriend,

who killed himself.

Melanie Hill was beaten so badly by her estranged husband, police said, her mother had to identify her by looking at her feet.

"I saw my daughter there in the hospital," Carolyn Rucker said. "I looked at her face and it just didn't look like nothing but just a pulp. I covered my face and had to run away."

Gary Atwood used a 9 mm handgun to shoot his wife, two children and then himself at their Valinda home, reloading the gun along the way.

Richard Fontes shot to death his ex-wife and her parents in their Covina home.

□□□
"Please bring Misael home soon. Please don't let him drink."

The Marquez family long knew what Ann was going through.

said Marquez's sister, Eleanor. "She had bruises a lot. She would never say he did it. Even before he killed her. I hated him."

The family was powerless, they said.

Marquez's 5-year-old son once told his aunt: "Misael beats up my mom too much. I want to get the gun and I want to kill him."

It is a violent cycle that Carol

Arnett has seen time and again as coordinator of the Los Angeles County Domestic Violence Council, a network of social and protective service agencies.

"Absolutely, it is an escalating pattern," Arnett said. "It doesn't start with homicide."

For Rita Parizer, it started with a threat. From July 17 to Dec. 24, 1992, her stormy marriage intensified as her husband, Shalom, threatened her at knife point, choked and raped her.

"Two weeks ago, he took a belt and was choking me," she wrote in her request for a temporary restraining order filed one week before she disappeared. "I couldn't even breathe. . . . The police came, he ran out the back door."

Her body was found 10 days later. She had been strangled.

Her husband pleaded guilty to second-degree murder and was sentenced to 15 years to life in prison.

□□□
"You know what, Mom? I shouldn't have married him."

Ann Marquez, after years of denial, eventually told her family about the abuse.

"A week before she died, Anna told me, 'Misael's been kicking my ass,'" said her sister, Eleanor. "I said, 'Why don't you leave him?' . . . She said she thought he would hurt us, too."

So Marquez stayed. And Herrera grew more abusive.

When she died, Marquez was two months' pregnant. Her family asked the District Attorney's Office to file two murder charges. In the end, Misael Herrera pleaded guilty to a single manslaughter charge. He could walk out of prison a free man in 1998.

But nearly one-third of the 1993 killers chose their own sentences by committing

to many of the victims' families.

"It is better," said Maria Lopez, whose daughter Irene Rivera was killed by boyfriend Michael Silva. "I think I would have done something foolish if he hadn't killed himself."

The suicide rate is not surprising to those familiar with domestic violence.

"It just shows the level of how deeply disturbed these people are," Arnett said.

□□□
"Don't, Misael! Don't shoot me! Don't kill me! Run, Joe! Run!"

Before she died, Marquez warned her 5-year-old son to run from his stepfather. He was not hurt. Police later arrested Herrera, wearing a blood-soaked shirt, and he tearfully admitted killing his wife. He claimed he only meant to scare her.

Relatives said Marquez would be devastated to see what became of her family.

Last fall, a Los Angeles County Superior Court judge awarded custody of Marquez's two daughters — Lauren, 2, and Rosalia, 4 — to the killer's parents, who moved them to Mexico. Her son, Joe, lives with Marquez's parents in Cudahy.

"They didn't even know these girls until their son murdered my sister," Eleanor Marquez said.

"These children will be raised to believe that their mother deserved to die," said Gail Pincus, director of the Northridge-based Domestic Abuse Center, which counsels battered women and batterers.

Child-custody hearings are held in private and records are sealed. But Michael Belter, the Herrera family attorney, said he questioned whether Marquez's parents were physically able to care for the girls.

In all, 76 children in Los Angeles County lost their mothers in domestic violence last year. In most instances, the children are raised by grandparents or other relatives, who feel the pain of their loss.

"It didn't affect me at the beginning," said Lopez of Sun Valley, who visits her daughter Irene's grave each Sunday. "It affects me now. I went through the hate. I went through the anger."

"Now, it's, 'She's not coming back.'"

23 died
before age 30

The
youngest
was 14

The
oldest
was 93

One-third of
the killers
committed suicide



Feb. 9
Patricia Stenzer, 38
Los Angeles
Angry that Stenzer asked him to move out one day earlier, Bruno Diaz returned to get home in the Mount Washington area, kicked in the front door and shot her three times before using the .22 caliber handgun to commit suicide. During the attack, Diaz, an ex-convict, 35, said it was Stenzer's new boyfriend. The man was not hurt.



Feb. 17
Ledette Vasquez, 25
Kardemans
and Quintana shot Vasquez with a .22-caliber handgun Jan. 31, then shot herself in the head. She died 17 days later. Vasquez and Quintana had worked together at the Cafe Pierre restaurant in Manhattan Beach and dated casually. He took the relation- ship more seriously than she and once proclaimed in a letter, "The day you're no longer at my side, I'll kill myself." Quintana recovered from his self-inflicted wound, pleaded guilty to second-degree murder and was sentenced to 18 years to life in prison.



Feb. 25
Lisa Shubert, 25
Lundquist
Nine months after George Glum broke Shubert's nose with the butt of a gun - an assault for which she was persuaded to drop charges - he stabbed the woman to death in the shell of his pickup truck. Shubert, a shoe "barn" who attended special education classes, often was abused and easily manipulated by Glum during three years of dating, said Shubert's mother, Vickie. "He just treated her like a dog," Vickie Shubert said. They had dated for three years. Shubert's Glum was convicted of second-degree murder and sentenced to 15 years to life in prison.



March 7
Sam Thi Le, 44
San Pedro
Edward Lee, demanding to see his 15-year-old son, barged into Asian News Shop in San Pedro and shot himself in the head. Lee, 42, also shot and critically wounded Le's 10-year-old son, Nath. Then Le, police later found Lee a body in a motel room near MacArthur Park, where he had written a suicide note in Korean and shot himself. The couple apparently were embezzled in a custody battle over Le's older son.



March 11
Alma Garcia, 28
Wilmington
Saw Liza once moved to Garcia. "I can't hate you, then I can't love you," Liza made good on her threat and strangled her stepmother in the bathroom of her family's home, then hanged herself in a parking lot between the San Pedro Social Security office. Garcia, a Banning High schooler, had met Liza, 19, in Mexico. Police say Liza strangled her with a burning iron cord after one of Garcia's younger siblings let him in the house. Liza had lived with Garcia's family for several months before the two broke up.



March 14
Barbara Brady, 46
Monterey Park
In the months before Brady's death, she and boyfriend Tony Precado frequently squabbled at their Monterey Park apartment. Brady's adult daughter, who lived nearby, became so concerned that she removed some guns from the apartment. But Precado found another. He shot Brady, a life-office administrator he had dated for about a year, once through the back and then used the Smith handgun to take his own life.



March 17
Phyllis Sloan, 28
Santa Barbara
After four months of abuse and threats, Sloan moved from Los Angeles to get away from her abuser, actor boyfriend, Steve Prohaska. But when Sloan, a waitress, visited him one last time, he shot her five times with a .38-caliber handgun he had bought five days earlier. Then he turned the gun on himself. Sloan's best friend, Kimberly Sargent, knew something was wrong when Sloan failed to call her. "He called her and said he wanted to just get together and talk, and he wanted to be friends," Sargent said. "He killed her within the first 10 minutes she was there."



March 24
Michael Monahan, 48
Woodland Hills
Michael Monahan beat his wife of 20 years to death in their home. Slashed her body in a plastic bag, then took \$30,000 from her purse and went to Los Vegas for three days. Monahan, who owned a Huntington Park clothing store, was last heard from on March 19, five days before her body was found. Monahan was charged with first-degree murder after years of verbal abuse by his wife - a story Monahan's parents disbelieved. Slashed a jury verdict of voluntary manslaughter in March and he was sentenced to 11 years in prison.



March 24
Lynn Shubert, 39
Red Canyon
James Monahan - fear- ed his wife would report previous abuse - beat her with a hammer, crowded her with a mallet and stabbed her in the chest with a Phillips screwdriver. He even caught some heroin before dumping the body along the 405 Freeway. Monahan confessed and later told a judge: "I'm not as violent as the crime came out to be - I'm just my wife." Shubert's Monahan was convicted of first-degree murder and sentenced to 25 years to life in state prison.



May 9
Morris Thomas, 25
New York
On Mother's Day, Quinn West shot and killed his wife and her mother, Ida Davis, 31, Lewis House Park home. He then reloaded his handgun and shot himself. Thomas, a former Chesham High School cheerleader, had moved in with her from a mother-son home after a beating in West. She asked her employer, the Santa Department of Health, to transfer to a family-clubbed with a bank-rupt in case West showed up. "She said he'd be here as fast as a bullet," her sister, Theresa, said. "The two had been married a few days."



May 24
Toni Cervoni, 24
Pasadena
Cervoni and her husband, Enrique, were involved in a heated argument in their Pasadena home when she allegedly threatened his daughter with a .22-caliber rifle. He grabbed the gun and fired the shot that grazed his wife above the right ear. The daughter, 9, called 911 from a neighbor's house. Cervoni fired again, killing his wife after a standoff with a police SWAT team. Cervoni pleaded guilty to an armed and dangerous murder and was sentenced to 15 years to life in prison.



May 27
Maria Garcia, 30
Los Angeles
After a night of beer drinking, Pedro Mendez barged into his house and demanded Garcia find his military jacket. She searched frantically, but found only a red one. Mendez aimed a .357-caliber handgun at his wife and said, "You think I don't have the courage to shoot you?" She knew he did. Mendez shot her once in the head while the couple's two oldest children, ages 5 and 12 - lower body. Garcia was convicted of second-degree murder and sentenced to 10 years to life in prison.



June 9
Susan Matsum, 46
Long Beach
Memmos, a devoted mother and administrator for the city of Long Beach, appeared to be the picture of success. Privately, her relationship with boyfriend Russell Davis, head of the Long Beach Regulators, was troubled. During a discussion at the house they shared, Matsum told Davis, "I can't take it anymore." Davis walked to his car, retrieved two handguns and shot her twice in the chest. The two outdoor women who loved hiking and the beach was dead. Matsum Davis was convicted of first-degree murder and sentenced to 28 years to life in prison. Matsum had two adult children.



June 10
Everett Lovingsood, 25
Compton
Lovingood was shot to death by her ex-boyfriend, who was 46. He called his estranged wife and told her he shot Lovingsood in his car and was going to dump her body near a police station. Police said Lovingsood, a retiree from Lockheed, had grown desperate after having a "homosexual relationship" with Lovingsood. She scorned his offers to marry her and adopt her children. That night, he promised her a "surprise" - a "surprise" to death in his car. Police found Lovingsood's body in a car. Lovingsood's four children are now living with their grandmother.



June 26
Yolanda Lockman, 21
El Monte
Lockman's body was found behind Emanuel Episcopal Church in El Monte. Five months later, sheriff's detectives saw Roberto Concepcion admitted strangling the woman. "He was deep in love with her," Deputy District Attorney Kathy Cady said. Concepcion wanted a more serious relationship than Lockman and probably killed over jealousy. Cady said, "Stupid. Concepcion is awaiting trial for murder."



July 13
Marlene Clayton, 28
Kardemans
Victor Clayton said he was devastated when Marlene - who had moved out and announced plans to divorce - refused to reconcile during a talk at the couple's apartment. He pounced on the 100-pound Sherrill's Department clerk and strangled her. Clayton surrendered, pleaded guilty to voluntary manslaughter and was sentenced to six years in state prison. In court, Clayton apologized and said he would take Marlene's place if he could. Marlene's aunt, Ida Davis, died out. "Then you die, too, girl."



July 13
Apple Brown, 29
Los Angeles
After a strained romance, Reyes moved out on her boyfriend, Juan Torres, and into the apartment next door. Although there was no prior violence in their off-and-on relationship, Torres grew furious one day when Reyes, a shoe-care worker, refused to tell him if she had found a job. The two were to play the dice game chance out never made it out of their apartment complex near North Hollywood. Police said an angered Torres wrapped both hands around Reyes' neck and strangled her. Then he dialed 911 and waited for police to arrive. Clayton's Reyes is serving the 15-year murder charge.



July 18
Mercedes Sanchez, 37
Los Angeles
Sanchez, a homemaker, and her on-again off-again boyfriend Michael Lombardi were involved in an argument when Lombardi pushed her to the floor and strangled her. Lombardi's wife, Sandra, 34, said her husband had been in the apartment and on later, he found himself in the police station. Lombardi was convicted of first-degree murder and sentenced to 25 years to life in state prison.



Suzanne Corvelas,

34
San Diego
 After a long fight, Suzanne Corvelas reported to police that her husband, Richard Corvelas, had been shot in the head inside their home. She said she found him lying on the floor with a pool of blood around him. She called 911 and waited for the police to arrive.

Status: Police arrested an alleged suspect, but he is still in custody and charged with murder.



Joys Williams, 22

Los Angeles
 Joys Williams, 22, was charged with the murder of her husband, Richard Williams, after he was found shot to death in their home. Williams was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested Williams and charged her with murder. She is currently in custody.



Suzanne Fontes, 28

San Diego
 Suzanne Fontes, 28, was charged with the murder of her husband, Richard Fontes, after he was found shot to death in their home. Fontes was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested Fontes and charged her with murder. She is currently in custody.



Martina Herrera, 37

Los Angeles
 Martina Herrera, 37, was charged with the murder of her husband, Richard Herrera, after he was found shot to death in their home. Herrera was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested Herrera and charged her with murder. She is currently in custody.



Pamela Hyden, 28

Los Angeles
 Pamela Hyden, 28, was charged with the murder of her husband, Richard Hyden, after he was found shot to death in their home. Hyden was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested Hyden and charged her with murder. She is currently in custody.



Angela Zelaya, 33

Los Angeles
 Angela Zelaya, 33, was charged with the murder of her husband, Richard Zelaya, after he was found shot to death in their home. Zelaya was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested Zelaya and charged her with murder. She is currently in custody.



Yvelin Ybarra, 26

Los Angeles
 Yvelin Ybarra, 26, was charged with the murder of her husband, Richard Ybarra, after he was found shot to death in their home. Ybarra was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested Ybarra and charged her with murder. She is currently in custody.



Horacio Castorena, 64

Los Angeles
 Horacio Castorena, 64, was charged with the murder of his wife, Maria Castorena, after she was found shot to death in their home. Castorena was a 37-year-old woman who was a bodyguard for a wealthy couple.

Status: Police arrested Castorena and charged her with murder. She is currently in custody.



Maria Martinez, 40

Los Angeles
 Maria Martinez, 40, was charged with the murder of her husband, Richard Martinez, after he was found shot to death in their home. Martinez was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested Martinez and charged her with murder. She is currently in custody.



Marie Marquez, 32

Los Angeles
 Marie Marquez, 32, was charged with the murder of her husband, Richard Marquez, after he was found shot to death in their home. Marquez was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested Marquez and charged her with murder. She is currently in custody.



Irene Rivera, 28

San Diego
 Irene Rivera, 28, was charged with the murder of her husband, Richard Rivera, after he was found shot to death in their home. Rivera was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested Rivera and charged her with murder. She is currently in custody.



Lovetta Steele, 30

Los Angeles
 Lovetta Steele, 30, was charged with the murder of her husband, Richard Steele, after he was found shot to death in their home. Steele was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested Steele and charged her with murder. She is currently in custody.



Anna Lopez, 43

San Diego
 Anna Lopez, 43, was charged with the murder of her husband, Richard Lopez, after he was found shot to death in their home. Lopez was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested Lopez and charged her with murder. She is currently in custody.



Delores Diaz, 33

San Diego
 Delores Diaz, 33, was charged with the murder of her husband, Richard Diaz, after he was found shot to death in their home. Diaz was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested Diaz and charged her with murder. She is currently in custody.



Joyce Rainey, 28

Los Angeles
 Joyce Rainey, 28, was charged with the murder of her husband, Richard Rainey, after he was found shot to death in their home. Rainey was a 37-year-old man who was a bodyguard for a wealthy couple.

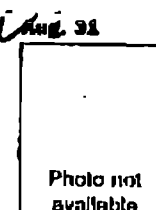
Status: Police arrested Rainey and charged her with murder. She is currently in custody.



Margaret Brooks, 78

San Diego
 Margaret Brooks, 78, was charged with the murder of her husband, Richard Brooks, after he was found shot to death in their home. Brooks was a 37-year-old man who was a bodyguard for a wealthy couple.

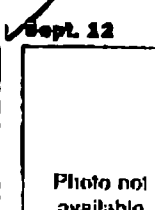
Status: Police arrested Brooks and charged her with murder. She is currently in custody.



Cecilia Lee, 34

Los Angeles
 Cecilia Lee, 34, was charged with the murder of her husband, Richard Lee, after he was found shot to death in their home. Lee was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested Lee and charged her with murder. She is currently in custody.



Maggie Shorter, 33

Los Angeles
 Maggie Shorter, 33, was charged with the murder of her husband, Richard Shorter, after he was found shot to death in their home. Shorter was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested Shorter and charged her with murder. She is currently in custody.



Lisa King, 25

Los Angeles
 Lisa King, 25, was charged with the murder of her husband, Richard King, after he was found shot to death in their home. King was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested King and charged her with murder. She is currently in custody.



Yolanda Hill, 39

Los Angeles
 Yolanda Hill, 39, was charged with the murder of her husband, Richard Hill, after he was found shot to death in their home. Hill was a 37-year-old man who was a bodyguard for a wealthy couple.

Status: Police arrested Hill and charged her with murder. She is currently in custody.

Scared, scarred orphans left behind

Tarell Williams opens his mind's eye to the darkest day of his four years of life and calmly acts out what he sees.

"My Daddy killed my Mommy," he says, forming his tiny right hand into the shape of a gun. "Pow!"

Tarell watched his mother, Toya Williams, die from a gunshot wound Oct. 2, 1993, in the family's

Inglewood apartment. His father, Darell Payton, then committed suicide.

Today, Tarell and his baby brother, Tramell, live with their grandmother in Carson. They are just two of 76 children whose mothers died in domestic abuse homicides in Los Angeles County last year; 41 of them were under age 2.

A majority of these children will suffer post-traumatic stress disorder or years. Many already show symptoms: nightmares, aggressive behavior or preoccupation with death.

"This is one of the most traumatic things a child can experience," said Armando Morales, a UCLA psychiatry professor. "If a child is 6, 10 years of age, they definitely will be impacted for many years."

Mariano Munoz Jr. was 18 months old when his father locked him in a Pacoima bedroom April 7, 1993, and stabbed the baby's mother to death with a kitchen knife. Then he slashed his own wrists.

Acting out the scene

An hour after police arrived, the boy mimicked a stabbing motion for an uncle.

Angel Castillo was 16 months old when his father killed his mother, Victoria Castillo.

"He suffered a lot," said Victoria's mother, Corina Valdez, who is raising Angel. "He had real bad nightmares."

Tarell was just 3 years old when

he watched his mother get shot. He tried to help by using a bathroom towel to dab his mother's bloody face. But she already was dead — and her body blocked the door of the apartment.

Trapped with the corpses

Tarell and his year-old brother, Tramell, spent the next 12 hours trapped inside with their slain parents. Each passing minute compounded their agony, creating emotional wounds specialists say may never heal.

Shirley Williams said she is quite concerned about her grandchildren. Tramell was hiding beneath his bed when she arrived at the apartment and found her daughter's body.

"Tarell has nightmares real bad, about three times a month," Williams said. "They will get over it, I hope. The baby won't remember anything. With a lot of love. (Tarell) will be all right."

Ann Marquez's son, Joe, was 5 when he watched his stepfather shoot his mother to death in their Compton trailer. Today, he lives with his grandparents and is in therapy.

"He has gotten in some fights at school," said his aunt, JoAnn Marquez. "I've heard him say, 'I'll

kill you,' to other kids."

Therapy is essential for these children, because bottling emotions is dangerous, specialists agree.

"They can't expect a grandmother to be an expert in helping the child in something as traumatic as that."

said Maura O'Keefe, a USC professor who has studied the effects on children who witness spousal abuse. "If they don't talk about it, it's on hold and that affects all other aspects of their lives."

the anger won't die

Father's violence may be fuel for son's rage

By Stuart Dedic
and Ken Leiser

STAFF WRITERS

TEHACHAPI — Alfonso Rodriguez strings the two words together smoothly, as though they form the name of a familiar, evil foe.

"My anger," he explained, "is my worst enemy."

Largely because of his violent temper, Rodriguez is serving a 17-year prison sentence at the California Correctional Institution for the July 24, 1993, stabbing death of his girlfriend, Anna Lopez.

Rodriguez insists he can't remember tackling Lopez on the road outside their Compton home and stabbing her 22 times.

But he's not surprised he did it.

"I know what my anger is like," he said. "It saddens me. There was a life lost. It cannot be returned."

The rage inside Rodriguez can be traced to the little boy who grew up in a Compton barrio, spending tense afternoons waiting for his daddy to come home — and beat him.

"I hoped and prayed I wouldn't turn out like that," the soft-spoken Rodriguez said during an August interview in a small, dingy conference room at the prison's maximum-security unit. "I turned out to be a carbon copy."

When he would cry as a boy, Rodriguez recalled, his father would get more violent. "He'd say, 'Oh, you're crying. Let me give you a reason to cry.'"

Rodriguez is one of 56 men convicted or suspected of killing a current or former female partner in Los Angeles County last year.

Raised in places like Texas, Mexico, El Salvador and Los Angeles, these men come from varied backgrounds but often share a common thread: They were beaten as children or forced to watch their fathers hit their mothers.

Psychologists agree that a boy who grows up in an abusive household is at great risk to become an abuser himself. He may be unable to peacefully deal with emotions unless he gets help.

When Rodriguez killed his girlfriend, he was in the midst of a three-day drinking binge. His alcohol abuse, he said, numbed memories of his depressing childhood. He left home at age 13 and soon found himself in the California Youth Authority.

A history of uncontrolled rage

"I've been having trouble with my anger for a long time," he said. "Some people control it; some don't. I'm one of the ones that don't."

Katherine Mowatt knows that anger well.

In January 1992, Rodriguez attacked her during an argument at the apartment they shared in Bellflower. At one point, she said, he grabbed a knife.

"He was wild-eyed. That's when I started saying, 'I'm sorry. . . . It's my fault.'"

Eventually, Mowatt calmed Rodriguez and drove him to the warehouse where he worked. She went home, called her family and moved out that night. She reported the assault to sheriff's deputies, but made no mention of the knife. Rodriguez was sentenced to 16 days in County

Jail, court records show.

She did not know of Rodriguez's manslaughter conviction until a reporter told her.

"God, that could have been me," she said. "This just makes me realize I have an angel looking over me, because I saw the signs then."

Mowatt and Lopez are not the only women Rodriguez has hurt.

"I don't get to see my daughter because of my anger," he said. "She was always probably scared of me, the same way I was scared of my dad."

As for the girl's mother, Rodriguez said: "She was smart. . . . She left."

Rodriguez has few fond memories from his childhood. He recalls how uncomfortable it was to live with seven brothers and sisters in a three-bedroom house in Compton. But nothing, he said, was as bad as the abuse.

"My dad was always beating me," he said. "It was his anger. I was always told it wasn't my father's fault, it was his father, my grandfather, who did the same thing to him."

Mowatt said one of Rodriguez's stories sticks with her.

"When he was a kid, his cousin called him a name and he beat him up. He said his dad was proud of him. Like, 'That's my boy,'" Mowatt said.

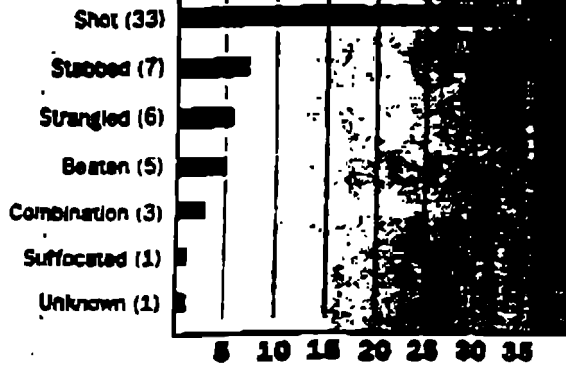
Soon after he left home, Rodriguez began drinking, living on the streets, sleeping where he could. By the time he was 14, he said, he was sent to CYA for the shooting death of a neighborhood rival.

When he got out, he started drinking and using drugs. He tried to clean up in a hospital drug and alcohol unit and later through Alcoholics Anonymous. He tried religion in a Christian home. That's where he met Lopez, a cocaine and alcohol abuser who had so many aliases that Compton police still don't know her real name.

"We were just attractive to each other," he said. "We had some good times."

REMEMBERING THE VICTIMS

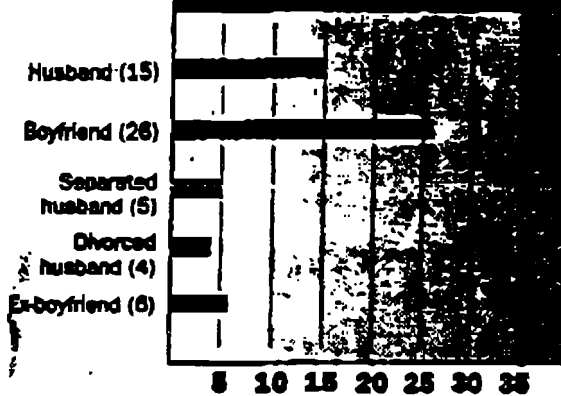
CAUSE OF DEATH



"I try to remember all the beautiful times I had with my girl. We used to go to the movies and buy a lot of hot dogs and popcorn and laugh a lot. She was my best friend and I was her best friend. I know she's an angel. She's my angel."

— Leticia Vasquez
of her daughter, Leticia

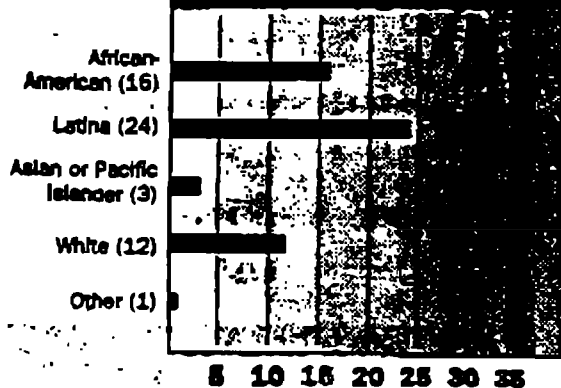
SUSPECT'S RELATIONSHIP TO VICTIM



"Vickie was a very giving, loving person. She loved injured animals. She was the type of person her friends went to with their problems."

— Corina Valdez
of her daughter, Victoria Castillo

RACE OF VICTIM



"She was strong. She grew up in South Central L.A., yet managed to survive all the bad influences of the neighborhood. She deserved so much more out of life than what she ended up with."

— Arnetia Harris
of her sister, Martica Clayton

"She was very much into her family. She was a very peaceful person, a very nonviolent person."

— Catherine Pratt
of her sister, Susan Heimos

"My mom was a friend. She was a mother and she was a friend. She was always there for us, for her children and her grandchildren. She would reason out our problems for us."

— Yolanda Lugo
of her mother, Hortencia Castorena

"She was extremely outgoing. She made friends with everyone and she couldn't stand it if someone didn't like her. She was a free spirit."

— Kim Sargent
of her best friend, Phyllis Sloan

Sheer number of domestic abusers swamps legal, societal channels

Ken Leiser
and Stuart Dedie
STAFF WRITERS

Los Angeles County's legal system is no match for a batterer's rage.

A *Daily Breeze* examination of 36 domestic homicides in 1993 showed prosecutors rejected felony charges in some domestic violence cases only to watch the abusers in those cases later kill their partners.

Other slaying suspects slipped through the system's hands weeks, days — even hours — before a woman was killed.

"These are preventable homicides," said Carol Arnett, coordinator of the Los Angeles County Domestic Violence Council, a collection of social service agencies, battered women's shelters and representatives from the court system.

"It is a systemwide failure to recognize when a batterer is lethal."

But prosecutors and police say you can't

take every abuser off the street based on what he might do. The Los Angeles City Attorney's Office, for instance, files roughly 1,000 spousal battery cases each year.

"There isn't a crystal ball," said Deputy City Attorney Alan Dahle. "I do believe that the system prevents the level of violence from increasing in many cases. We successfully convince many men that that is not acceptable behavior."

"And we successfully convince many of the women that they don't have to tolerate that behavior."

But at least a fifth of the county's 1993 domestic homicides — those in which a woman in an abusive relationship was slain — exposed holes in the legal system's safety net for battered victims.

No way out

Angelita Zelaya tried to keep her estranged husband away. But on Oct. 20, 1993, Alden Thomas stabbed her to death on the stairway outside her Los Angeles apartment.

"I think that this one was inevitable," said Deputy District Attorney Sean Gallagher, who won a second-degree murder

conviction against Thomas in August. "I don't think there was anything in the system that was going to stop him."

When Thomas punched Zelaya during an April 5, 1992, quarrel — breaking her jaw in two places — Zelaya moved out and cooperated with Los Angeles city prosecutors to send him to jail.

But only for two days.

Gallagher said prosecutors were never told of the broken jaw, an injury that surely would have qualified the case as a felony and would have merited a longer sentence.

"You hear complaints from police departments and the sheriff that the batterer gets out before they finish the paperwork," said Arnett, blaming clogged court calendars and lax sentencing practices. "These guys aren't doing any time. They're not getting the message that they can't do this."

After his June 9, 1992, no-contest plea to a misdemeanor, Thomas also was ordered to spend 28 days on a Caltrans work detail and complete six months of domestic violence counseling. But he was terminated from the Center Against Abusive Behavior for "lack of attendance."

The violence continued. Four months after the original assault, Thomas split open Zelaya's lip when she refused to go to his apartment after a movie. That attack violated his probation, and he was sentenced to 210 days in County Jail.

The two reconciled briefly in early 1993, then split up again, Gallagher said.

One month before he killed her, Thomas put a knife to Zelaya's chest at her workplace, Vernon Convalescent Hospital, and demanded she hand over her dentures. By the time police arrived, Thomas was gone.

Officers took a report that day, said Los Angeles police Lt. John Dunkin, but Thomas was never taken into custody. The Sept. 18 knife assault was still under investigation when the slaying occurred — a 32-day lag time Arnett calls too long.

Because batterers often return to harm the victim again, police can't treat domestic disputes as they would other crimes, Arnett said. And it should be an easier case to solve because they know the suspect.

Dunkin, however, said heavy violent-crime caseloads often make it difficult for Los Angeles Police Department detectives to act swiftly on certain cases.

"We are not happy with the fact it takes us 30 days to conduct a follow-up investigation on any crime," Dunkin said after reviewing the Zelaya case. "We would like the same-day follow-up if we possibly could do it."

Despite the deadly finale, Deputy City Attorney Dahle thinks the legal system worked "reasonably well" in Zelaya's case. But he acknowledged the 24 weeks of domestic violence counseling Thomas completed the month before the killing clearly couldn't curb his violent streak.

"She did take steps to protect herself and to protect her children, but on some levels she slid back and went back to him," Gallagher said. "Maybe in part out of fear, part out of love. Whatever."

Zelaya's restraining order — filed in 1992 after a threat on her life and good through 1995 — didn't keep Thomas away, either.

She wasn't alone. Seven of the women killed in domestic homicides last year sought restraining orders.

Suzanne Fontes had one against her ex-husband, Richard, but was required to stay in contact with him to share custody of the couple's son.

Police say Fontes stormed a Covina home and shot to death his ex-wife and her parents. He is charged with three counts of murder.

Conflict of interests

In a report issued this summer, the District Attorney's Office noted that something must be done to resolve conflicting situations in which one court orders couples to stay apart while another demands they stay in contact for child custody reasons.

Just as the system failed Zelaya, it failed Maria Munoz, a 19-year-old from Pacoima who was smart enough to leave her abuser, but couldn't get far enough away.

She tried to have husband Mariano Munoz locked up for threatening her with a knife, but the District Attorney's Office rejected that case as a felony. One day before Munoz was due in court to face a misdemeanor charge, he killed his wife in her new home.

Deputy District Attorney Edwin Greene said Munoz's action did not call for a felony prosecution.

"It's impossible to predict," Greene said. "There's so many of these things, there's really no way you can tell which ones are going to kill their wives.

"Some of these things, I hate to say, are just unavoidable."

Gail Pincus, director of the Northridge-based Domestic Abuse Center, which counsels battered women and batterers, says that's a sad commentary.

"It should be the exception," she said. "We cannot justify the numbers. We're just not doing enough."

In Torrance, police didn't put much of a fight when 21-year-old Lisa Shubert, who is developmentally disabled, declined to press charges against the boyfriend who threatened to kill her before breaking her nose with the butt of a handgun.

Eight months later, George Glavis stabbed Shubert to death in the back of his truck.

"That wouldn't have happened in Los Angeles," said David Lytle, an advocate for domestic violence victims at the Torrance courthouse.

The LAPD, Los Angeles City Attorney's Office and Los Angeles County District Attorney's Office have policies of seeking criminal charges even if a domestic-violence victim is reluctant to testify.

Deputy District Attorney Rune Sodonis, who prosecuted Glavis' murder case, said he doubted Torrance police would have prevented the murder by pursuing the assault case.

"I doubt it would have made any difference," Sodonis said. "She kept going back to him despite the efforts of her mother to keep them apart."

Authorities also stepped into a dispute between John Keene and his girlfriend, Laurie Fawcett, on Jan. 1, 1993. Keene called sheriff's deputies after Fawcett threatened him.

Shortly after the deputies left, Fawcett became the first Los Angeles County woman to die in 1993 from domestic violence. Keene chased her into the street and shot her to death, angry because she used his money to buy cocaine.

Inglewood police went to Toya Williams' apartment on West Arbor Vitae Street after she called them during a fight with Darell Payton minutes before midnight Oct. 1.

Records show a squad car was there for 20 minutes.

"When they came, he wasn't there," said Williams' mother, Shirley. "When they left, he came back and killed her."

Boys trapped with bodies

Payton shot Williams in the face and then shot himself in the head. The couple's two young sons were trapped overnight in the apartment with the bodies until noon the next day.

Inglewood Detective Tom Chargauff said he initially was "shocked and horrified" when he learned officers were there

before the slaying, but now is convinced they did everything they could do.

Even though the victim told officers everything was all right, he said, they insisted on a quick walk-through of the apartment and handed Williams a list of shelters for battered women.

"They did more than most people would have done," Chargauff said.

Physical and verbal abuse were a weekly ritual for Williams. Payton was charged in 1991 with corporal punishment on Williams and being a felon in possession of a .45-caliber pistol.

He pleaded guilty to the firearm charge and was sentenced to 16 months in state prison. Jail time didn't change his treatment of Williams.

"He beat her up the very first day he got out," Shirley Williams said. "I called his probation officer and I told him. They couldn't do anything unless Toya would press charges. And she would never press charges."

Despite prosecutors' claims that the system is adequate, critics say there is much more the legal system — perhaps society as a whole — can do to step between an abuser and a victim before it's too late.

"We have been like birds who put their heads in the sand," said Arnett of the Domestic Violence Council. "We know that domestic violence is lethal. We know that batterers kill women. . . . It has been going on since the beginning of time."

"We have to recognize from the beginning that it is going to escalate."

J.A. SO T-peddles cases, anti-violence groups say

By Stuart Dedic
and Ken Leiser
STAFF WRITERS

Sending a spouse-killer to prison for life isn't easy. But some victims' families wish prosecutors would at least try.

Domestic-violence prevention advocates say prosecutors too often plea-bargain spousal homicide cases to manslaughter rather than seek a murder conviction at trial.

In Los Angeles County, the District Attorney's Office agreed to four such plea bargains for 1993

domestic-violence cases in which women were slain by a current or former male partner.

One of those cases involved Victor Clayton, who will most likely spend just three years in prison for strangling his wife, Martica, in the couple's Hawthorne apartment on July 13, 1993.

"He's a cold-blooded murderer and he just walked away," said Ida Berry, Martica's aunt.

Clayton, one of 56 men suspected of killing their current or former wives or girlfriends in Los Angeles County in 1993, smiled after he was sentenced to six years in prison. Martica's family contends.

With credit for good behavior, he could be paroled in 1996.

Clayton said he blew up after his wife told him she loved another man. That excuse provided the "heat of passion" element necessary to reduce a homicide from murder to manslaughter, said Deputy District Attorney Julie Sulman.

In three of the four plea bargains, there was a suspicion of infidelity. None of the cases at the classic manslaughter profile often used in court to explain "heat of passion" to juries — a man who kills his wife after finding her in bed with someone else.

Manslaughter plea bargains in domestic killings — especially those fueled by suspicions of infidelity — devalue women, said Gail Pincus, director of the Domestic Abuse Center in Northridge.

"What they're saying is, there's excuses for killing women," she said.

Alfonso Rodriguez chased his girlfriend, Anna Lopez, onto a Compton street on July 24, 1993, and stabbed her 22 times in front of at least one witness.

Rodriguez said he found Lopez in bed with another man and launched into a three-day drinking binge that culminated with her killing — which he claims he does not remember.

The District Attorney's Office dismissed murder charges and allowed Rodriguez to plead no contest to manslaughter. He was sentenced to 17 years, of which he likely will serve half.

In an interview at the state prison in Tehachapi, Rodriguez said he is thankful.

"I feel lucky," he said. "Yeah, I don't remember doing it. But there was a life lost."

That he eventually will walk free is frightening to one of the women he once abused.

"He for some reason has skated by in the system and I don't know why," said Rodriguez's ex-girlfriend, Katherine Mowatt. "How he got away with only getting eight and a half years. I'll never know. He does not belong out here in society."

Misael Herrera pumped two bullets into his wife, a mother of three, on Jan. 9, 1993, as she sat on the couch. Herrera became enraged when he learned she had allowed a man inside the couple's Compton trailer.

Herrera's lawyer, Michael Belter, negotiated a plea of voluntary manslaughter and his client was sentenced to 11 years in prison. With credit for good behavior, Herrera will be eligible to apply for parole in four years.

A killing becomes manslaughter when the killer acts in the heat of passion, without planning the slaying. This must be brought on by a circumstance so upsetting that a reasonable person might act the same way, according to state law.

Deputy District Attorney Richard Doyle said he believed a jury would have convicted Herrera of manslaughter had the case gone to trial. Herrera began shooting shortly after Marquez's 5-year-old son told him Marquez had a male visitor that day.

"There was no evidence of premeditation and deliberation. There was a heat-of-passion situation," said Doyle, who figured the harshest conviction possible would have been second-degree murder.

To date, the District Attorney's Office has resolved 18 of the 56 cases of 1993, seven by plea bargain and 11 at trial.

Of the cases it took to trial, three suspects were convicted of first-degree murder, six of second-degree murder and two of voluntary manslaughter.

The plea bargains netted no convictions for first-degree murder, three for second-degree murder and four for voluntary manslaughter.

Skeptics have long claimed prosecutors are more likely to accept plea bargains when the victims are minorities. In the four manslaughter plea bargains, two victims were African-American and two were Latino.

Martica Clayton's family agrees.

"I think it was a race thing," said her sister, Arnetia Harris. "They look at this and it was two black people and they say, 'It was just domestic violence.' With O.J., it was a white woman and they throw the book at him."

However, Sulman said the evidence against Clayton did not support a murder charge.

"The guy literally snapped," Sulman said. "He just went for her throat and choked her out."

Clayton locked his wife's body inside their apartment and called Hawthorne police from a pay telephone to admit what he had done.

District Attorney Gil Garcetti said he demands that his attorneys treat domestic violence cases as vigorously as all murders they prosecute.

"You have to be willing to dig and dig hard so you can be honest to yourself that you are seeking justice and not just getting rid of a case," he said.

Martica Clayton's relatives speculate that detectives and prosecutors may have too easily dismissed the case as a manslaughter.

Before her death, Martica revealed that Clayton had beaten her, Harris said. Evidence of past physical abuse can make a homicide case stronger, prosecutors say.

Sulman said investigators never told her about previous abuse.

Clayton's aunt, Berry, said she was disgusted to see Garcetti on television promoting his office's case against O.J. Simpson.

"If it's someone well-known, where it will really help his political career, then he works," Berry said during an interview at her home on 62nd Street. "If it's someone like Tiki, then it's just another day in South-Central Los Angeles."

Restraining orders too often don't

By Ken Leiser
and Stuart Dedie

STAFF WRITERS

A piece of paper couldn't stop the knife that slashed Angelita Zelaya on the steps outside her Los Angeles apartment or the hands that choked the life out of Annie Sison in her Beverly Hills condominium.

A piece of paper can't stop a killer. Yet that piece of paper, a temporary restraining order, remains one of the only legal weapons for a woman in a physically abusive relationship.

Seven of the 56 women killed last year — allegedly by their boyfriends or husbands — had sought temporary restraining orders in the months before their deaths, detailing death threats, desperation and fear.

The fear was palpable in Zelaya's Sept. 10, 1992, affidavit in support of a restraining order. She later won a permanent stay-away order that was to be in place through 1995.

"He keeps telling me he will kill me, burn my car up and burn the house down that I am staying in," Zelaya wrote. "I tell him to leave me alone. But he says I will never get him out of my life no matter what I do."

Alden Thomas made good on his threat, fatally stabbing Zelaya on Oct. 20, and recently was convicted of second-degree murder.

Some of the temporary orders, like Yvonne Thomas', expired weeks before the killings.

"He told me if I try to leave him, he would kill me, himself and his son," Thomas wrote in her request for a temporary restraining order two days after her husband, Rubin West, beat and choked her before daybreak on their son's second birthday. She defied him and moved out.

A month later, Mother's Day 1993, West made good on his threat. He took a handgun and shot Thomas and her mother to death before killing himself.

Thomas had been granted an earlier restraining order against West in 1989, three

years before they married.

"I don't know if she married him out of fear that if she didn't marry him, he would kill her," said Yvonne's sister, Terry Lewis.

Limited in their ability to stop someone intent on killing, restraining orders can be valuable tools for police officers, who say the threat of jail time keeps the vast majority of abusers away.

Patricia Andreani, directing attorney for the county Bar Association's Pro Bono Domestic Violence Project, said lawyers in two offices coach 20 to 25 women a day on how to obtain temporary restraining orders against abusers.

"We know a restraining order is just a piece of paper, but it does offer you the degree of protection that if he comes around, police can act," said Connie McFall, executive director of Rainbow Services in San Pedro.

One of the former clients of McFall's agency and its 18-bed shelter was killed in August by a battering mate. The Bakersfield woman, Maria Pizano, sought a restraining order against Pablo Nevel earlier this year. However, a judge ordered visitation privileges for the couple's children, forcing the pair to have contact.

□ □ □

Three days before Annie Sison was slain, she allowed a temporary restraining order against her ex-husband, Errol, to lapse.

In a restraining order request filed Dec. 8, 1992, in Burbank Superior Court, Sison wrote that her ex-husband stormed into the care home she operated and threatened her and a co-worker. As usual, he was drunk, she said.

A judge ordered him to stay at least 150 yards away from his wife until a Dec. 31 hearing in the Burbank court. Mrs. Sison did not show up for that hearing. She was last seen alive on Jan. 3 — in the company of her ex-husband. Her badly beaten body was found Jan. 5 in her bedroom.

A warrant has been issued for her husband's arrest. Police believe he has fled to Mexico.

Combating the batterers

Sept. 20, 1994

Legal system looks for ways to stop abuse before it escalates

By Stuart Dedic
and Ken Leiser
STAFF WRITERS

It took decades to drive alcohol awareness into the living rooms and taverns of America. It may take as long to raise the nation's consciousness about domestic violence.

That's a favorite analogy of Los Angeles County District Attorney Gil Garcetti, who devotes much of his energy these days to

battling violence in the home.

Just as alcohol awareness has slashed the number of highway deaths across the country, education and no-tolerance prosecution may reduce domestic-violence homicides, Garcetti said. His office created a unit in July to combat the problem.

"Fifteen years ago, nobody had heard of a designated driver," Garcetti said.

Today, nondrinkers fill crowded nightspots, and drinking drivers are publicly tagged as threats to public safety.

The message that spousal abuse must not be tolerated has not reached as wide an audience.

Signs of change are on the horizon. The Los Angeles Police Department recently created a special unit to investigate domestic abuse, and the District Attorney's office and Los Angeles City Attorney's office have created domestic violence ranches.

"Our goal is to prevent that homicide, to prevent additional violence," Garcetti said.

In San Diego, police launched a domestic violence unit in 1992 that is considered a national model.

The statistics are impressive: In 1990, when San Diego police filed about 7,300 reports of domestic violence, there were 18 related homicides. In 1992, the police reported 14,000 domestic violence incidents but related homicides dropped to eight.

"If you vigorously prosecute at the misdemeanor level, you're preventing homicides."

said Gail Pincus, director of the Northridge-based Domestic Abuse Center, which counsels battered women and abusers. San Diego, she said, has found that "when you latch on and you don't let go, the homicides will decline."

Education at all levels of the justice system is essential, Garcetti and Pincus said. Judges from throughout California gathered in Los Angeles earlier this month for specialized domestic violence training.

They listened to tales of battered women and talked to shelter workers, police and prosecutors about how the system can work more efficiently.

"What came out of it is we need more coordination, more information sharing," said Robert Mallano, presiding judge of the Los Angeles County Superior Court.

Advocates for domestic violence prevention say training is important because judges have opportunities to stop the abuse — in civil and criminal courts.

"In listening to battered women, it came through what she is facing, what limited choices she has, the death threats if she leaves, dealing with children," Mallano said. "For the first time it hit home."

Supervised exchanges

One typical court system breakdown occurs when one judge orders a husband to stay away from a woman while another jurist orders the couple to communicate for child visitation reasons. At this month's conference, Mallano said he learned for the first time that some police agencies offer to supervise visitation exchanges between parents at station houses.

The Los Angeles County Commission on Women, following up on complaints of lax sentencing in the Van Nuys courthouse, is launching a "court watch" to study judges' records on domestic violence cases.

The watch ultimately will spread countywide, said Paula Petrotta, the commission's executive director.

"There are women in the community, right or wrong, who do feel that they have been mistreated by the judicial system," Petrotta said.

The LAPD and the Sheriff's Department have excellent policies with regard to domestic violence, said David Lytle, a former parole supervisor who volunteers helping women fill out restraining orders at the

Torrance courthouse.

In those departments, he said, "If there is any evidence of trauma to the victim, the perpetrator is arrested, assuming he is there. None of our police departments has that policy. They want the discretion."

A uniform policy among police and prosecutors would be helpful, Lytle said.

"I don't think if you live a couple blocks into Hawthorne you should be treated differently than someone in Torrance or in the sheriff's area," he said. "The women need to know what to expect."

He is helping organize a meeting of South Bay city prosecutors to develop a uniform approach to domestic violence cases.

The LAPD has created major detective units targeting domestic violence and other crime in the home. In the Harbor Division, for instance, three investigators now follow up on 200 domestic violence

reports taken in San Pedro Harbor City and Wilmington each month.

"We have seen a lot more felony filings than we have had in the past, and we would like to see a lot more," said Detective Julie Nelson, who heads the Harbor unit.

She said detectives can spot patterns of escalating abuse before it's too late, document repeat calls to the same address and call in a local battered women's agency, Rainbow Services, to counsel victims on their options once police leave.

Technology wish list

Pincus, whose center counsels abusers and their victims, has a wish list of suggestions to combat the problem, from the use of new fingerprint technology to track violent abusers to domestic violence lessons in schools.

The countywide Domestic Violence Council tried to set up a committee to review every homicide case in which domestic abuse is suspected, but the panel has been stymied by privacy laws. A similar group has been investigating suspected child abuse fatalities for the past 15 years, she said.

"At least let's learn something rather than just have women and kids drop like flies

and we don't learn anything from it," Pincus said.

So far, the death review team has helped child welfare agencies and law enforcement officials identify children most at risk, said Deanne Tilton, executive director of the Interagency Council on Child Abuse and Neglect.

"I truly believe we have (saved lives)," she said. "Successful prosecution of child abuse homicides have increased dramatically since we created this team."

In addition, policies that allow prosecutors to file criminal charges over the objections of forgiving or intimidated victims are in place at the Los Angeles City Attorney and District Attorney's offices.

In July, Garcetti's office established a new domestic violence policy outlining how prosecutors can pursue criminal charges despite uncooperative

women, medical reports and 911 emergency tape recordings can be valuable in these cases, the policy notes. Officers also can testify about statements the victims made to them.

"The deputy district attorney shall explain to the victim that she or he does not 'press' or 'drop' charges," the policy states. "That decision rests solely with the District Attorney's Office."

The ultimate goal, experts agree, will be to drive home one point to women: If a man beats you, leave. It will only get worse and more frequent with time.

"Get out! Don't get abused," is the advice of Maria Lopez of Sun Valley, whose daughter Irene was one of 56 women killed by an abusive partner in the county in 1993. "A lot of Latinas won't speak up. I wish Irene would have said something to me."

Devise safety plan

Before women leave a potentially deadly relationship, they need to devise a safety plan, said Carol Arnett, coordinator for the Domestic Violence Council. A woman's chances of being seriously hurt by an abuser rise significantly when she is walking out the door.

Victoria Castillo heard many

threats. . . . before she died, a friend recalled, she came home late from a day of shopping and was confronted by her angry husband, Saint Castillo Jr.

Castillo slapped his wife two or three times in the face, pointed a gun at her head and said: "I'm going to kill you."

"She got to the point where it was more fear than love in the end," said Corina Valdez, Mrs. Castillo's mother.

Even before he started to threaten her life, Saint Castillo used foul words to degrade her. Such language is typical in abusive relationships, a tactic therapists say makes women insecure and more likely to stay.

young men know this kind of behavior isn't cute, isn't macho and it's going to land you in jail," Pincus said. "We need some way to let young women know this kind of control and insane jealousy . . . just isn't flattering."

Counseling can help, but abusers need to treat their violent behavior as an addiction, much the way a recovering alcoholic abstains entirely and attends counseling and support groups for life, Pincus said.

Still, she is skeptical anything short of jail can stop domestic abuse. "You can modify that stuff," she said. "You can't get rid of it."

In the meantime, education continues to be essential for those who come in contact with a domestic violence victim.

"The trouble is that we have ignored domestic violence for so long that now that we are really doing something about it — and we have been ever since the early '70s — the more we realize how much there is to do," Pincus said.

Warning signs that a batterer is a death threat to a partner or others:

- Threatens homicide or suicide.
- Fantasizes about homicide or suicide.
- Possesses or hides weapons in the home.
- Becomes obsessive about partner or family.
- Assaults or mutilates pets.
- Becomes acutely depressed.
- Becomes enraged when partner leaves or talks about leaving.

Source: Domestic Abuse Center, Northridge

How to get away from an abusive mate

- Contact a local battered women's shelter and discuss strategies to leave safely.
- Keep an extra set of house and car keys hidden in case you must leave quickly.
- Keep some money, important telephone numbers, clothing, medicine, legal papers and other essential items in a safe place, preferably away from your home.
- Find a trustworthy friend and start looking for a hiding place.
- Have a plan to contact police.
- Take with you, or hide, appointment books, calendars, address books. Destroy anything that might let the abuser locate you, such as telephone or credit-card bills.
- Take favorite toys for children and family photographs to keep you company.
- Make provisions for pets; shelters won't admit them.
- Do not leave a note or any clue of your whereabouts.

Source: L.A. County Domestic Violence Council

CALL FOR HELP

■ Domestic violence emergency services

Police/fire.....	911
1736 Family Crisis Center, Hermosa Beach.....	(310) 379-3620
South Bay Outreach Center.....	(310) 549-1375
Rainbow Services, San Pedro*.....	(310) 547-9343
Los Angeles Rape and Battering Hotline*.....	(310) 392-8381
Women's Shelter, Long Beach*.....	(310) 437-4663
Sojourn, Santa Monica.....	(310) 392-9896
Good Shepherd Shelter*.....	(213) 737-6111
Center for Pacific Asian Families Shelter.....	800-339-3940

■ General resources

South Bay Community Helpline.....	(310) 541-2525
General information & referrals.....	800-339-6993, (213) 686-0950
Domestic Violence Project (legal assistance).....	(213) 624-3665
L.A. Commission on the Status of Women.....	(213) 485-6533
Southern California Coalition on Battered Women.....	(213) 655-6098; (213) 626-3393

* Spanish-speakers available

Source: L.A. City Commission on the Status of Women.

Abusive relationships nearly killed woman

By Ken Leiser
and Stuart Dedie
STAFF WRITERS

Denise saw it coming. It started with shoves when she would wave to friends.

Then her boyfriend made threats, such as the time he held a gas-pump nozzle to her face and threatened to light her on fire.

"I said, 'I have to get out of this,'" said Denise, who asked that her last name not be used because she still is fearful of her assailant.

So she moved out. But he found her and held her hostage one night in his apartment, brutalized her and threatened to kill her.

Denise's story bears haunting similarity to the stories of 56 women allegedly killed in 1993 by their boyfriends or spouses. In addition to verbal and physical abuse, her ordeal involved a weapon in the home, escalating violence and rage

sparked by a breakup.

But how did Denise get caught in that situation?

'Picture-perfect' family

She grew up in a seemingly "picture-perfect" family in a big house with a pool in North Hollywood. But weekend pool parties often gave way to her father beating her mother.

"That is all I saw," she recalled. "I remember spending a lot of time alone. I was always alone. I excelled in school at everything I did. I didn't want to go home. Everything they had to participate in, I participated in."

When she grew up, Denise began landing in one abusive relationship after another. Her first marriage left psychological scars that haunt her when a door slams or someone makes a certain hand movement.

Finally, after an abusive one-month relationship with a purported gang member, she left the small apartment they

SURVIVOR/BACK PAGE

Survivor

FROM PAGE A6

shared and moved in with a friend.

"I packed everything and I left," she said. "I left my stereo, I left everything."

Then, one day as she was walking to a convenience store, he showed up and grabbed her by the arm, then led her to his apartment.

Hopes for escape

She persuaded him to take her back to the store for a beer, hoping she could escape.

But on the way, he snatched her and dragged her by her hair back to the apartment, beating her and ripping her top off along the way.

"Nobody stopped to do a damn thing to help me," she said.

Once he got her back to his apartment, he wedged a table against the front door and ordered her to take her clothes off. There was a butcher knife in the room. At one point, he told her to grab a Bible because she was "going to need it."

She survived the night and called police the next day but told officers she didn't want to press charges. She feared him too much.

"The state picked up the charges," she said. "I am glad that they did. This one detective kept after me and kept after me. (The detective) said, 'You have to do something about this.'"

The man was charged with attempted sodomy and other crimes, she said, and is now serving a five-year sentence.

Denise is married to her second husband and finds one of her biggest struggles is learning to accept the kindness and love of a man who doesn't batter.

"He doesn't make all of the money in the world, and I was used to that, too," she said.

"But he does not raise his voice to me. He doesn't put his hands on me."

Daily Breeze
Sept. 20, 1994

IN THE COURT OF COMMON PLEAS
HIGHLAND COUNTY, OHIO

State of Ohio)

Plaintiff,)

vs.)

Kevin K. Cochran)

Defendant.)

Case No.: 94-CR-64

VERDICT ENTRY
(GUILTY)

FILED
COMMON PLEAS COURT
HIGHLAND COUNTY, OHIO

MAY 12 1995

Quilley D. Dwyer
HIGHLAND COUNTY CLERK OF COURTS

This cause came on for trial by jury on May 1, 1995 to and including May 4, 1995. The defendant appeared in open Court, in the custody of the Highland County Sheriff, represented by David W. Pence, Attorney at Law, of Hillsboro, Ohio and L. Patrick Mulligan, Attorney at Law, of Dayton, Ohio. Rocky A. Coss, Prosecuting Attorney of Highland County, appeared on behalf of the State of Ohio.

The jury, after being duly impaneled and sworn, and upon the opening statements of counsel, the evidence adduced, closing statements of counsel, and the instructions of the Court, and the jurors having deliberated the charge alleged in the indictment, after due deliberation, found the defendant GUILTY of the charge as alleged in the indictment, Aggravated Murder, with specification, in violation of Section 2903.01(A) ORC. The Court then polled the jury and each juror indicated that this was his verdict. Thereupon the Court accepted the

jurors' verdicts.

The Court having discharged the jury, and the defendant having been informed of the verdict, the Court having heard statements of counsel for the defendant, counsel for the State of Ohio, and from the victim's mother, inquired of the defendant whether he had anything to say why judgment and sentence should not now be pronounced, and the defendant replied in the negative.

The Court hereby sentences the defendant herein to the Corrections Reception Center to a term of life imprisonment with no eligibility for parole for a period of 20 years, and to a mandatory three years of actual incarceration as to the gun specification, said sentences to run consecutively to each other.

The question of credit for time served was reserved by the Court, pending information to be provided to the Court by counsel and the Highland County Sheriff's Department.

It is further the order of this Court that the defendant pay the costs of prosecution for which judgment is hereby granted and execution ordered.

U.S. Department of Justice



Washington, D.C. 20530

ELIZABETH HYMAN
Chief of Staff
Violence Against Women
Office
(202) 616-2845 (OFFICE)
(202) 307-3904 (FAX)

DATE: 8/19/96TO: Dennis BurkeFAX #: 456-7028 PHONE #: _____# OF PAGES: -31- (INCLUDING COVER)

COMMENTS: Dennis - Here's a few articles. It turns out
that it is difficult to find stories of men convicted of M/D
who then get a gun & shoot wives or girlfriends. Talk
to you later. - Liz

Castro's China Model

By Tad Szulc

For a year or so, President Fidel Castro has been relaxing Cuba's rigidly controlled economy, inviting foreign investment under highly favorable terms, visiting Europe and Latin America to win political support and making life easier for the Roman Catholic Church. A few weeks ago, he released three political prisoners to a visiting member of Congress, who took them to Miami. It was beginning to look as if Mr. Castro, who is 69, was finally mellowing.

But on Saturday, his jets shot down two small unarmed civilian planes flown by members of Brothers to the Rescue, an anti-Castro group based in Miami, as they approached or entered Cuban air space. Earlier in the week, security services in Havana detained many leaders and members of Concilio Cubano, an umbrella organization of small opposition groups, which had planned to hold its first convention.

Are Mr. Castro's actions contradictory? No. They are wholly consistent with those of his 37-year reign. He is determined not to tolerate any challenge to his authority, internal or

Tad Szulc is author of "Fidel: A Critical Portrait."



18 U.S.

Sometimes it's the little things that bring you down.

As Senate Democrats Whitewater hearings, White House is forced to mail evidence; as a Clinton prosecutor tries testimony of the Indep. self-key witness against Clinton — an unrelated Clinton woman's hand, a "Travelgate," at first missed as a mere emcee Hillary Clinton, as a far wood friends, told her st of the people who ran House Travel Office; a spoils system, the F.B.I. Department were used and harass the innocent.

When some of us hold abuse of power, the finally dissociated herself Congress asked its General Office to investigate Clinton washed her hands of "Mrs. Clinton does origin of the decision in White House Travel Office," she responded yesterday. "... she had no role in terminate the Mrs. Clinton did not action be taken by any guard to the Travel Office."

Hillary p
'26 Questi

The two-track strategy that handcuffs Clinton.

Mr. Castro has often said he wants to avoid the mistakes of Mikhail Gorbachev, who he thinks brought about the collapse of the Soviet Union by permitting both economic reform and political liberalization.

Mr. Castro's two-track policy has apparently been successful. After hitting bottom in 1993, the economy has

been reviving. The Government says that at the end of 1995 there were 212 agreements with foreign investors, who have pumped \$2.1 billion into 34 areas of the economy, especially the tourism industry.

The punitive measures President Clinton has announced are virtually meaningless. Preventing Miami-Havana charter flights and suspending telephone connections will hurt Cubans on the island more than the regime, and the loss of revenue to Cuba will be negligible. President Clinton and Congress agreed yesterday on new sanctions that would hamper foreign investment. But this legislation is bound to anger our allies and would be hard to defend under international law.

Finally, Mr. Castro retains the "rafter" weapon. Last year, in response to exiles who hijacked Cuban coastal vessels, he let tens of thousands of Cubans leave on rafts and small boats — until Washington agreed to prevent the hijackings. If the overflights by Brothers to the Rescue continue, Mr. Castro may pursue that strategy again.

President Clinton can try to penalize the Cuban leader, but he should understand that Mr. Castro is utterly inflexible. Realizing that he faces no real threat from the United States, Mr. Castro will continue to woo foreign investors and bar dissent.

In this election year, Mr. Clinton cannot be perceived as showing weakness. But there are no simple solutions in sight. Mr. Clinton must realize that, unfortunately, Mr. Castro has more leverage than he does. □

expressing an interest information about the

Untrue. Years later, cause Republicans to Congress, a memo from the aide who called Clinton's wishes, was surface: Contrary to a G.A.O. in 1993, Waking the First Lady said those people out — We pie in. We need the staid F.B.I. that he wrote the just after chief of staff told him "the matter was front of Hillary Clinton."

This stark refutation Lady's response was by contemporaneous a Cere aide, of Susan King McLary "Hillary people fired." McLary

Prosecuting Judge Duckman

By David Feige

Judges are easy targets. It is always unwise and frequently unethical for them to defend their reasoning publicly. The judiciary is designed to be insulated from the whims of public opinion, and engaging in recriminations or justifications politicizes what should be a contemplative job. The public, meanwhile, is sending only one message: Ignore the law and Constitution, and rule as harshly as possible.

No one has been less insulated from these pressures in recent weeks than Judge Lorin Duckman of Brooklyn. Judge Duckman has been loudly assailed this month over his release of Benito Oliver, who weeks later killed his ex-girlfriend, Galina Komar, and himself. This week, the judge faced more criticism over a similar case, in which a convicted man was freed only to attack a former girlfriend again. Yesterday, Gov. George Pataki recommended that Judge Duckman be removed.

Both cases are obviously distressing. Yet, contrary to the public exhortation of the judge, they say far less about him than they do about the failures of the Brooklyn District Attorney's office and its power to deflect public scrutiny away from them.

To suggest, in particular, that Judge Duckman could have prevented

David Feige is a lawyer.

ed Galina Komar's murder using the blunt legal instruments available to him is absurd. Anyone who is willing to die to accomplish their ends is very difficult to stop. Mr. Oliver's corpse is proof of his dedication to ending her life.

When he was arrested on Dec. 15, Benito Oliver was charged with assault in the second degree and attempted assault in the second degree, both felonies. The most serious of these charges carries a mandatory

The district attorneys won the media war.

minimum sentence of five years. Having charged Mr. Oliver with a felony, the law required the District Attorney's office to present the case to a grand jury in order to secure an indictment. Yet that office, for whatever reason, chose not to go to the grand jury, and reduced the charges to misdemeanors. As a result, rather than facing a minimum of five years in prison, Mr. Oliver now faces a maximum of one year in jail.

The case, like thousands of similar ones involving domestic abuse, proceeded through the Criminal Court, where Judge Duckman sits. While prosecutors trumpeted the severity

of the case in the press, Mr. Oliver's life was being passed off among half a dozen district attorneys. After having twice denied defense requests for a reduction in bail, Judge Duckman ordered the assistant district attorney to be prepared for trial on Jan. 24. Only after the District Attorney's office failed to arrive prepared for trial on two successive days was the bail reduced.

Judge Duckman did not "release" Mr. Oliver. Rather, he fixed what is considered reasonable misdemeanor bail in Brooklyn, which Mr. Oliver's family paid. In America, until a plea is entered or a jury renders its verdict, citizens are presumed innocent. Thus, in all but the most serious cases criminal defendants are entitled to a speedy trial and to reasonable bail.

While power is supposed to be distributed more or less evenly in the courtroom, in the realm of public opinion, district attorneys — who invariably have their own press relations departments — wield tremendous power. Busy defense lawyers, on the other hand, seldom have the resources to make themselves or their point of view accessible to a story-hungry press. And judges shouldn't, and usually won't, comment.

Judge Duckman did not invent domestic violence, and as much as we wish he could, he can't stop it. Comforting ourselves with the idea that these tragedies result only from errant judges or ineffective hangers-on obscures the facts and impedes the search for real solutions. □

Opportunity opportunity

Last summer, we swallowed hard when an opportunity seemed lost. The issue was regulatory reform and the chance to do something positive for the nation's economic health—to eliminate unnecessarily costly federal rules. But nothing happened.

What was at stake was a requirement that all regulations should be open to cost/

The New York Times, February 15, 1996

At a hearing, Judge Schwartzwald increased the bond on Mr. Oliver from \$2,000 to \$5,000. "I see I am looking at your record," Judge Schwartzwald said. "Your record is actually a terrible record."

Yesterday, Mr. Schwartzwald said: "I did it because I thought the allegations were serious. And I thought the man was dangerous."

Three weeks later, Judge Duckman reduced the bond to \$2,000.

The judge also said he was convinced that Mr. Oliver would leave Ms. Komar alone if his dog was returned to him.

Judge Duckman explained: "By getting the dog back to Mr. Oliver, that would eliminate one of the problems we have had and do a great deal toward assuring the safety of Ms. Komar, as well as putting the dog back into the hands of somebody who can actually care for the dog, because I didn't want anything to happen to the dog, either."

GRAPHIC: Photo: Mayor Rudolph W. Giuliani has challenged Judge Lorin Duckman to explain why he freed Benito Oliver over protests of prosecutors trying to protect Mr. Oliver's ex-girlfriend, Galina Komar, who was later killed. At Ms. Komar's funeral yesterday, the Mayor comforted Asya Komisarchik, her mother. (Chester Higgins Jr./The New York Times)

LANGUAGE: ENGLISH

LOAD-DATE: February 15, 1996

PAGE 1

LEVEL 1 - 1 OF 1 STORY

Copyright 1996 The New York Times Company
The New York Times

February 15, 1996, Thursday, Late Edition - Final

SECTION: Section B; Page 3; Column 4; Metropolitan Desk

LENGTH: 966 words

HEADLINE: Judge Rebuked After a Woman Is Slain

BYLINE: By DON VAN NATTA Jr.

BODY:

Gov. George E. Pataki and Mayor Rudolph W. Giuliani yesterday criticized a Brooklyn judge for freeing a violent felon who later killed his former girlfriend at a Queens car dealership, a slaying carried out several weeks after she had sought protection from the courts.

Using uncharacteristically harsh language, Mr. Pataki and Mr. Giuliani challenged Judge Lorin Duckman to explain why he chose to free the man, Benito Oliver, 35, of New Rochelle, despite the protests of prosecutors who had tried to protect his former girlfriend, Galina Komar, 33, who was killed on Monday.

Mr. Giuliani said he would try on several fronts to have the judge removed, possibly through impeachment.

Mr. Pataki called the case "a travesty of justice," saying that Judge Duckman's actions "raise serious questions about his fitness to continue to serve" on the bench.

"For the judge to have permitted him to be at liberty on such facts is an outrage," Mr. Pataki said.

The case is the latest of several that the Governor and Mayor have seized on as examples of a judicial system that they say is more concerned with the rights of criminals than with those of victims. Mr. Pataki, in particular, has been sharply critical of the Court of Appeals for rulings that he maintains go too far in protecting the rights of criminal defendants.

In the latest case, at about 12:40 P.M. Monday, Mr. Oliver walked into the Koeppel Volkswagen dealership in Woodside, where Ms. Komar worked, and shot her once in the head with a .44-caliber revolver. Mr. Oliver then shot himself in the head. Both died instantly.

Three weeks earlier, Mr. Oliver was jailed and charged with attacking Ms. Komar three times in late November and December. Ms. Komar told the police that he had placed a butcher's knife against her throat and threatened to kill her.

After Mr. Oliver posted a \$2,000 bond on Dec. 27, the police immediately arrested him again, charging him with placing three threatening phone calls to

Ms. Komar from his jail cell at the Brooklyn House of Detention. A judge set bond at \$5,000.

PAGE 2

The New York Times, February 15, 1996

But on Jan. 24, Judge Duckman reduced Mr. Oliver's bail to \$2,000, saying he did not believe he should be jailed any longer on charges that he had violated a court order of protection. In New York State, the crimes of stalking and violating protection orders are misdemeanors that do not carry long prison terms. Because of that, judges are often powerless to keep a person accused of stalking someone in jail for a long period, lawyers say.

Even if Mr. Oliver were convicted of all charges, he faced a maximum of two years in prison, prosecutors said. At the Jan. 24 hearing, Judge Duckman pointed out that Mr. Oliver had been in jail for 40 days, "which could be the maximum imprisonment assuming that he is convicted," he said.

Mr. Oliver's release drew angry criticism from prosecutors, who had argued that Mr. Oliver had three felony convictions, including one for rape in 1977. They also argued that Mr. Oliver had injured Ms. Komar, putting bruises on her forehead and arms and bumps on her head.

But Judge Duckman dismissed those arguments. "I am not suggesting that bruising is nice, but there is no disfigurement," he told a prosecutor at the hearing. "There are no broken bones. There are no serious physical injury charges, are there?"

At a news conference yesterday, Mr. Giuliani, who went to Ms. Komar's funeral yesterday, said, "I think the judge should be required to explain how it is that he works hard to let out on bail someone that a woman said had bruised her, someone that a woman said was terrorizing her, someone who has a long history of criminal activity."

Judge Duckman did not return calls to his home and office yesterday.

More than once at the Jan. 24 hearing, Judge Duckman said he wanted Mr. Oliver to be released from jail so he could be reunited with his dog. While in jail, Mr. Oliver had phoned Ms. Komar, telling her he wanted his dog returned to him.

"He has been in jail enough for a person who is charged with these crimes," Judge Duckman said. "I want to know about the dog."

The assistant district attorney at the hearing, Patria Frias, challenged the judge. "If something as simple as a dog can irritate him where he is threatening the complainant over the phone," Ms. Frias said, "then I am really worried about what he can do if he gets out."

Mr. Giuliani's attacks on Judge Duckman came after he criticized a Federal judge who ruled that 80 pounds of drugs were illegally seized in a drug case.

And in December, Mayor Giuliani demoted two Brooklyn Criminal Court judges, refusing to give them 10-year terms and instead giving them one-year interim appointments. He also challenged their qualifications to sit on the bench.

Coincidentally, one of the judges Mr. Giuliani had demoted -- Judge Eugene L.

Schwartzwald -- increased Mr. Oliver's bail on Jan. 2, just days after the Mayor had questioned his qualifications.

NJ case

PAGE 11

People, July 11, 1994

SECTION: UP FRONT; Pg. 36

LENGTH: 1277 words

HEADLINE: THE OTHER NICOLE;

On the same day Nicole Simpson was killed, Nicole Leps was murdered by an ex-boyfriend in a classic, if uncelebrated, case of domestic violence

BYLINE: BILL HEWITT

MARIA EFTIMIADES in Winslow Township

BODY:

THEY SHARED A FIRST NAME AND A BLOODY fate, though precious little else. On June 12, Nicole Brown Simpson was slashed to death along with her friend Ronald Goldman in Los Angeles, allegedly by ex-husband O.J. Simpson. The courts have yet to determine Simpson's guilt or innocence, but the couple's stormy relationship has already focused considerable attention on the problem of spousal abuse. Meanwhile, on the same day, in the southern New Jersey township of Winslow, Nicole Leps, 24, was fatally shot by her ex-boyfriend, Nicholas Spennato, 24. Only in this case, the killing went comparatively unnoticed, a local tragedy rather than a national scandal.

Call her the other Nicole -- and let her stand for the roughly 2,500 women who die each year in this country at the hands of their romantic partners. Several million more are attacked and brutalized by the men in their lives. On the weekend of June 11 alone, the San Diego Police Department recorded 141 domestic violence reports, and at a battered women's shelter in suburban Minneapolis there were 36 requests for help. All across the country the number of calls jumped once news of the Simpson murder spread.

For Nicole Leps, the weekend of June 11 had been spent trying to dodge Spennato, with whom she had been trying to break up since February. On Sunday evening she had a friend drive her to a waitressing shift at the Fireside Steakhouse so that he wouldn't see her Geo Storm in the parking lot. But around 7:30, Spennato showed up at the restaurant anyway. He took a seat at the bar and began directing obscenities at Leps as she walked by. Finally the manager called the police. Officer Daniel Calabrese, 38, soon arrived and asked Spennato for some identification. He then asked what was in the fanny pack around Spennato's waist. In reply, Spennato pulled out a .45-cal. semiautomatic pistol and shot Calabrese, the father of two, in the groin and the chest, wounding him fatally.

As patrons screamed and dove for cover, Leps fled to the back of the kitchen. Spennato quickly tracked her down. A cook heard him say to her, "See what you made me do? You're not going to get away with this, Nicole!" She begged him, "Oh, no, Nick." Spennato shot her in the head and the hip, then pointed the gun into his own mouth and pulled the trigger. When police arrived moments later, they found the former lovers lying side by side.

To be, in effect, executed in a public place lent an added dimension of horror to the murder of Nicole Leps. But in many respects the tragic arc of her relationship with Spennato followed a pattern familiar to abuse experts: the

No priors
Police Officer Shot & Killed

People, July 11, 1994

abuse. "They're not so much in love as in obsession. But they want to bring this woman into control so they can feel better about themselves."

Perhaps, above all, the murder of Leps illustrates just how easily any woman can become a victim of abuse. Certainly in her personality and background, Leps hardly seemed fated to end up as a statistic. She grew up in Winslow Township, the youngest of three children of Charles and Mary Beth Leps, who until recently ran a local liquor store. Pretty and outgoing, Nicole was Homecoming Queen and captain of the girls soccer team at Edgewood Regional High School. After majoring in biology and psychology at Salisbury State University in Maryland, she returned home and lived with her parents while working as a substitute teacher at her old junior high school. Her ambition: to become a school psychologist.

Nicole met Spennato last fall when she and some friends went to a nightclub where he performed as an exotic dancer. Spennato, who lived in nearby Mount Holly, N.J., was a muscular 5 ft.10 in., 185-pounder who danced under the stage name Nico. The pair hit it off and began dating. But it didn't take long for hints of trouble to appear. Nicole brought Spennato home to meet her parents eight months ago. "I told her, 'I don't like him,' " says Mary Beth. "It was a mother's intuition."

Only later did the Leps learn that Spennato had a police record. He apparently told Nicole he was on parole for robbing a convenience store. In fact he had been released from prison after serving only three months of his five-year sentence for breaking into a home in 1990 and stealing \$50,000 worth of musical equipment. During the robbery he and his three accomplices had tied up a woman and her son and beaten the boy savagely with sawed-off pool cues. Nicole seemed to downplay his past. "Maybe she thought she could change him," says Mary Beth.

Instead, Spennato's behavior became abusive. One night last March he and Leps were having a snack of chicken wings at her sister Zina Buete's house. Nothing seemed amiss until Nicole decided to try a little of Spennato's spicy sauce. "My sister picked up Nicholas's plate and poured a tiny bit of the juice onto hers," recalls Zina, 30. "He freaked out. He's screaming, 'What the hell's the matter with you!' and he started cursing her." Zina and her husband, Les, were stunned. Later when Les told his sister-in-law, "You better watch your ass," Nicole brushed off the incident. "She said, 'Oh, he loses his temper once in a while.' "

In the months that followed, however, it became increasingly clear that Spennato was more than just a hothead. For one thing, he was possessive to the point that he was jealous of Nicole's relationship with Zina's children, Alysha Nicole, 4, and Christopher, 21 months. "He would holler at her," says Zina. "He thought she spent more time with us than with him." As for physical abuse, Nicole never confided to family or friends that Spennato had brutalized her, but there were suspicions. "One time I saw a bruise on her face," says Zina. "She said they had been kidding around and something happened."

When Leps began trying to break up with Spennato, the time in many abuse

cases when the victim is at greatest peril, he reacted with growing fury. In the weeks before the murder, he followed her, hid in the bushes across from the Lepses' home and called there constantly, hanging up whenever anyone else answered. Charles and Mary Beth later learned that he had threatened the

PAGE 13

People, July 11, 1994

family, telling Leps, "If you don't stay with me, I will kill everyone you love." On the night of June 11, she returned home late to find Spennato waiting outside. After she entered the house, he climbed on the roof and headed for her bedroom window. She called the police. Three officers quickly arrived, but Spennato had already gone. Leps never told the officers about the harassment and threats.

By the next evening, Nicole was dead. In the aftermath of her murder, family, friends and authorities were left feeling an enormous sense of frustration over a tragedy that seemed preventable. "She had every reason to be afraid of this guy," says Winslow police chief Anthony Bello, "but that wasn't conveyed to the police." Zina agrees, especially after seeing the Simpson case unfold at the same time. "My sister never reached out for help like the other Nicole tried to do," she says. Instead, like many other abused women, she suffered in silence, perhaps out of shame or the feeble hope that her tormentor would simply go away. Later, after her sister's death, Zina found a calendar in Nicole's room. On it the date June 4 had been circled and marked with the words "I'm through with Nicholas."

GRAPHIC: Picture 1, Killer Nicholas Spennato was working as an exotic dancer when Nicole first met him. descBlack and white: Nicholas Spennato., A CLASS ACT ENTERTAINMENT/PHILADELPHIA INQUIRER; Picture 2, "He was a time bomb," says Mary Beth Leps of the man who killed her daughter. descBlack and white: Mary Beth Leps holding a photograph of Nicole Leps., Photographs by Nina Berman/Sipa Press; Picture 3, "Nicole was hiding a lot of things," says a waitress friend at the Fireside Steakhouse. descBlack and white: Sign in front of the Fireside Steakhouse and Lounge in Winslow, New Jersey., Photographs by Nina Berman/Sipa Press; Picture 4, Officer Calabrese was Spennato's first murder victim. descBlack and white: Daniel Calabrese., NO CREDIT; Picture 5, Nicole was radiant at her Junior Prom in 1986. descBlack and white: Nicole Leps., COURTESY LEPS FAMILY; Picture 6, Mary Beth and father Charles (right, next to Nicole) worried as her isolation grew. descBlack and white: Mary Beth Leps, Nicole Leps and Charles Leps with others., COURTESY LEPS FAMILY

LANGUAGE: ENGLISH

LEVEL 1 - 4 OF 6 STORIES

Copyright 1994 The New York Times Company: Abstracts
Information Bank Abstracts
PHILADELPHIA INQUIRER

June 18, 1994, Saturday

SECTION: Section A; Page 1, Column 1

LENGTH: 53 words

HEADLINE: 1,000 OFFICERS CONVERGE TO SALUTE SLAIN N.J. COMRADE

BYLINE: BY GWEN FLORIO and ED ENGEL

USA TODAY, July 13, 1994

July 13, 1994, Wednesday, FINAL EDITION

SECTION: NEWS; Pg. 3A

LENGTH: 1905 words

HEADLINE: Women who become statistics

BYLINE: Andrea Stone; Erin Einhorn; Margaret Litvin

BODY:

There were no banner headlines for Misty Marchant. No radio call-in shows on Mary Rivas. The TV networks never mentioned Rosa Maria Vargas.

Yet, since the murder a month ago of Nicole Brown Simpson - to which O.J. Simpson has pleaded innocent - these women shared a common fate, if not Nicole's fame. Each, police charge, were slain by a husband or boyfriend.

Battered in life, unheralded in death, 2,500 women a year are killed by intimate partners.

"It hasn't had this much attention or interest because it's so commonplace," says Rita Smith of the National Coalition Against Domestic Violence. Yet, "It's the leading cause of homicide for women."

Beyond antiseptic police blotters and coroners' reports, though, their stories are seldom told. Here, then, is what happened to eight ordinary women since the Simpson case:

West Point, Utah

In April, Misty Marchant begged prosecutors not to jail her husband for threatening her with a gun.

"She said, 'I don't want him around when he's been drinking,' " recalls Davis County, Utah, prosecutor Carvel Harward. "But, 'When he's sober, he's generally quite nice.' "

So Kenneth Marchant, 29, who had appeared often in court for battering his wife, was placed under a restraining order and given probation.

The next month, Misty, 32, filed for divorce.

On July 3, as the couple's 5-year-old daughter cried on a taped 911 emergency call, Misty Marchant begged Kenneth not to shoot her boyfriend.

When police arrived, they found Misty and Kirt Swann, 32, dead. Each had been shot with a 12-gauge shotgun and a .22-caliber handgun.

Kenneth was later found at his father's home, dead of a self-inflicted gunshot wound.

See p. 6. Prior for
stalking; obtained gun
& shot wife

Like so many battered women, Harward says, "She had the sincere hope they could try to work things out."

PAGE 6

USA TODAY, July 13, 1994

Gloucester, Mass.

Jennifer Chute always got defensive when friends told her to end her abusive 10-year relationship with John Masello.

"She'd say, 'You don't know him. It's not like that anymore. He's changed,' " says friend Denise Spurlock. "She wanted to marry him. She said, 'I want a ring by December.' "

But Chute's life ended June 26. That's when police say Masello shot the 24-year-old in the head as she cried on the phone to her mother.

Spurlock says Chute seemed happier than in years. She and Masello, a truck driver, had moved in together to mend their relationship. Chute busily furnished their new home.

It was there, after a five-hour fight, that her life ended.

"What disturbs me," says Spurlock, "is not one person called the police. That might have saved Jennifer's life."

Masello, 29, has pleaded innocent of murder and is being held on \$ 200,000 bail.

Palm Harbor, Fla.

After three years of fighting, stalking, separations and prayers, the roller-coaster marriage of Michael and Donna Tufano came to an abrupt end July 1 in a shopping center parking lot.

As horrified coffee shop patrons looked on, Michael followed Donna from the couple's parked car, pulled a handgun from his right pants pocket, and fired three bullets into his wife at point-blank range.

He then drove to nearby Safety Harbor to see a priest who had counseled him. Tufano's mother soon arrived at the church. All three prayed.

Then in front of his mother, he shot himself in the head.

In June 1993, Tufano was arrested for stalking his wife. He pleaded no contest and was given a four-month probation.

The couple was separated when they agreed to talk things over near the Publix supermarket where Donna worked.

Michael brought two roses, one pink, one peach. He also brought a .38-caliber revolver he'd purchased last month and picked up after the required five-day waiting period.

"About 75% of the women who are killed by domestic abusers are killed after they've left or while they're trying to leave," says Linda Osmundsen of St.

Petersburg's Center Against Spouse Abuse.

Kissimmee, Fla.

— Are they growing?

— when was their
peak year?