

Add: Jessica Ballard Venable

To quote Vince Lombardi and the Laramie County DA's Office: "Winning isn't everything. It's the only thing."

Lombardi says he was misquoted. What he meant to say was, "Winning isn't everything. The will to win is the only thing."

During his glory years with the Packers, Lombardi may have had some mismatches - with his team so much stronger than the other - but probably nothing to compare to "The State vs. Anybody."

This continuing story is about The State vs. Jessica Ballard Venable.

Seldom has there been, nor likely will there ever again be, a worse abuse of discretion or a greater abuse of power than that shown by the local DA's office in prosecuting Jessica Ballard Venable.

First she was charged with first degree murder, facing punishment of life in prison or death by lethal injection. After using the executing her bluff to force a plea agreement by Jessica, the charge was reduced to Voluntary Manslaughter.

Repeatedly abused by her short-term husband and facing a system unwilling to protect her from serial abuse, Jessica probably would have endured many more years of her husband's taunting, tormenting and physical abuse. But, he finally pushed her too far. He finally tormented her too often. He finally diminished her role as a mother by grasping their sobbing baby while pushing Jessica away with a stiff arm. He finally went too far. When he slapped her in the face while she was trying to use the bathroom, he approached the precipice.

When he slapped her on the back of the head while she tried to do dishes, her tolerance almost ran out. When she tried to retreat and he pursued her with a knife, offering it to her, she feared for her life and could withstand no further physical or emotional abuse. She could not absorb any more humiliation in front of her two sons who were old enough to see their mother being abused by this man who was almost a stranger in their lives. A man who had somehow finagled his way into their home when he had been evicted from a nearby apartment.

Jessica had had a baby with this man. Should she be expected to tolerate his abuse as the little girl got old enough to

watch her mommy being hit and hollered at by this serial abuser? When would he begin to physically abuse the baby as he already did Jessica's two boys from previous relationships?

Jessica repeatedly sought help from "the system." Each time, they turned her away. Twice in the three months before she was pushed beyond her breaking point, she had sought protective orders. Twice the system turned away from her. She didn't appear for still another court appearance so nothing was done. Anyone who bothered to check this man's history of domestic abuse knew he would abuse Jessica as soon as he got home.

What is the system too busy doing that it can't, or won't, protect abused women?

After repeated abuse, including the day the end came for both her husband and, in some ways, for Jessica, she reached a breaking point. She had to know that if she didn't protect herself, and her baby and her sons, no one would. Neighbors may have been willing to intervene with a cowardly man who abused her but she would not ask. Why should she have to ask neighbors when we are supposed to be a nation of laws? She asked "the man."

As he tormented her day, he would not break off the harassment, he just had to take it a little further, a little further, and after he had handed her the knife as though to challenge her, "It's you or me, Missy. It's you or me, what are you going to do?" finally, she turned to him and stabbed at him. Never realizing that a steak knife could produce a lethal wound, she just stuck him with the knife.

Seeing her husband bleeding, she immediately ran across the street to a neighbor who had always been kind to her and asked him to call 911 - her phone had been disconnected as her husband had no job and there was little money to pay bills. The neighbor never imagined the reason for the call was what it turned out to be - he thought one of the boys must have needed an ambulance or something. He had seen Jessica taken by ambulance after one of the assaults. But, this woman he had known as a neighbor for awhile was incapable of inflicting harm on another. Or, so he thought.

The case file states that she repeatedly said, "I stabbed him. I can't believe I stabbed him." They used those words as premeditation. What were they thinking? She hadn't planned to stab the abusive husband. She certainly hadn't planned to cause his death. Why charge her with first degree murder?

The DA's office often overcharges so they can plea bargain it down to something more realistic - and the accused will plead guilty to avoid a more serious conviction.

This was a self defense case if one ever existed. If Jessica Ballard isn't a classic case of Battered Women's Syndrome, no one will ever be.

But, Jessica couldn't hire a former assistant district attorney, as the axle swinger could. Jessica didn't have the money nor the friends nor family with money to hire a private attorney - a private attorney who could deliberately lie to the Court about precedents for "probation only" sentencing for voluntary manslaughter - as was done in the axle swinger's case.

So, Jessica was assigned a public defender. In Laramie County, the only person you'd want assigned a public defender would be the one person you detested more than any other. You would not want a friend or a vulnerable defendant put in the hands of a public defender.

But, Jessica had no option.

Instead of defending his client against charges far in excess of anything supported by the act, the public defender "went along to get along." Someday, he may want a favor from the DA's office. Don't challenge them on this one, he may have thought. Meanwhile, a vulnerable and expendable woman was just one more statistic for the attorneys.

Let's plea it away, proposed the PD. It's a win for us, accepted the DA.

It's a lot of years out of my life, lamented Jessica. My kids will have grown away from me. My baby won't know who I am.

So what, countered the attorneys. This is just one case in a stack of many to us. We're not interested in your history of abuse by men. That's behind you and that's of no concern to us. Accept the plea offer or risk being executed.

Executed for stabbing a guy in self defense? Only in Wyoming.

Jessica should have asked: Why can't I get off like the axle swinger? As was stated at her sentencing hearing, this was "her first and only arrest." Her abuser had a jacket a mile long. The axle swinger was released on probation and violated his probation before the ink dried on the Order.

What happened to him for repeatedly using heroin while on probation? His probation was extended. He is still free. Justice? Justice, my ascot.

The lazy public defender, who claimed \$15,000 in hours and expenses for Jessica's defense (more like \$15.00), chose not to defend this woman. He chose not to defend her. Once more, the system dumped on her. She was diagnosed with PTSD. She was a victim of Battered Women's Syndrome. And he couldn't defend her?

The PD said to the Judge (Peter Arnold) at sentencing: "If you hear language, in essence, in terms of the plea which goes to ideas of self-defense, realize those are just the facts and circumstances of the case, but we're not raising the issue of self defense here today." Say, what?

Court: "Mr. Jones (ADA), I gather the State is satisfied there would be at least credible evidence of the things Mr. Guthrie just referred to?"

Jones: "I believe the defense would put on such evidence, Your Honor."

Then, why the hell wasn't it done? Why wasn't the plea "Self Defense?" Because "Guilty" was quicker? The answer(s): Laziness, indifference and completion.

In her allocution, Jessica said, "... but I remember him jumping at me, and I was scared he was going to stab me because he had before, and he actually handed me the knife ..."

No one was in court to speak on her behalf. No one was there because the public defender had not availed himself of at least three witnesses who came forward to speak up for her. He ignored them. That would have been too much work. No one knew the schedule for her sentencing. The PD said he would not read her single supportive letter into the record. Too much effort. Not worth the time.

Scott Homar, the DA who personally "prosecuted" this unfortunate woman, at least had the class to remain virtually silent at her sentencing. He did say that, "with good time, she's going to be out in relatively short order, less than six years in any case." Jessica should never have done a day in Lusk. Not even an hour.

To pour salt into the wound: Arnold pontificated: "Very simply, probation is not appropriate because of the seriousness and finality of the crime." Unlike the axle swinger, who deliberately struck his brother at least six times and left him to die on the driveway while he slept, huh?

Note: I will visit Jessica Ballard Venable in Lusk in the next few days and report on that visit in the next issue.

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