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## Cases with Links to Va. Set National Precedents

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Brent Simmons was sentenced to life without the possibility of release last week in connection with the 1996 slayings of an ex-girlfriend and her new boyfriend in Harrisonburg.

Former Virginia Tech student Christy Brzonkala argued that her civil rights were violated when she claimed she was raped by two football players in 1994.

North Carolina resident Aquilia Barnette carjacked and killed a motorist, stole his car, then drove to Roanoke and murdered his ex-girlfriend in 1996.

Each of these cases involved a federal law called the Violence Against Women Act. The law was originally passed in 1994 in an effort to combat domestic violence, and other statutes have since been added. Provisions included funding for domestic violence programs and law enforcement training, making the crossing of state lines to commit domestic violence a federal offense and allowing victims of gender-motivated violence to sue their attackers in federal courts for violating their civil rights. The law will also be revisited in coming years.

Since its passage, the law has played out in at least two cases with connections to Southwest Virginia that have gone on to set national precedents.

- In 1995, in the Brzonkala case, federal Judge Jackson Kiser declared unconstitutional the section of the law that made it a civil rights violation to commit a crime based on hostility toward a person's gender. Kiser based his ruling in part on a previous U.S. Supreme Court decision that curbed the ability of Congress to reach into traditionally local matters.

Brzonkala appealed the case all the way to the U.S. Supreme Court. In 2000, in a 5-to-4 vote, the Supreme Court ruled the same provision was unconstitutional, upholding previous decisions by Kiser and federal appeals courts.

- In 1998, state and local authorities combined charges against Barnette in connection with the slayings of the motorist and Barnette's ex-girlfriend. Barnette was charged under the

Violence Against Women Act in North Carolina. Because the jury also found he had used a firearm to commit the slayings, Barnette became the first person sentenced to death in connection with the Violence Against Women Act.

Any federal crime committed with a firearm that results in death makes the case eligible for the death penalty, according to David Bruck, a professor at Washington and Lee University School of Law who is affiliated with the Federal Death Penalty Resource Counsel Project.

(Barnette's first verdict was thrown out for reasons unrelated to the Violence Against Women Act. He was tried again and was again sentenced to death in 2002. A federal appeals court has upheld the conviction.)

Advocates for women have been among the lobbyists for the law. The president of the Virginia National Organization for Women says it has been successful in some ways, but more preventive measures are needed.

From 1994, when the law was first passed, until September 2004, about 1,600 cases have been charged under the Violence Against Women Act around the United States, according to figures from the Department of Justice. Crimes under the law include interstate domestic violence, interstate stalking, interstate violation of a protection order, possession of a firearm while subject to a restraining order, and possession of a firearm after conviction of a domestic violence misdemeanor.

Eric Holland, a spokesman for the Department of Justice, did not have a breakdown of how many of the 1,600 cases have been indicted under the specific criminal provisions of the Violence Against Women Act.

At least eight men have been charged with capital crimes in connection with the Violence Against Women Act, according to figures provided by Kentucky attorney Kevin McNally, who is also affiliated with the Federal Death Penalty Resource Counsel Project. Only Barnette has been sentenced to death in connection with interstate domestic violence under the law, McNally said. According to Holland, one other death penalty verdict has been returned in connection with the charges under the law, but did not specify who the defendant was.

Last week, Simmons was sentenced to two life sentences without the possibility of release in connection with the 1996 slayings of Ann Olson and Keith O'Connell, two students at James Madison University. He was charged with two counts of interstate stalking under the Violence Against Women Act. He had faced the possibility of the death penalty because he used a firearm when he committed the slayings.

Tarina Keene, president of Virginia National Organization for Women, said the Violence Against Women Act has been successful in terms of raising awareness about domestic violence and for funding for domestic violence programs.

But she said she would like to see the laws have more teeth and not give people who commit domestic violence a second chance. She said in some cases, people can get a domestic violence charge removed from their record for a first offense.

“The next time it happens, there’s no record. And the third time, she’s dead. We see that a lot,” Keene said.

Keene said she thought the outcome of the Simmons case was good. But she sees the need for more preventive measures.

“How do we keep [the numbers in] the shelters low?” Keene asked. “Well, we stop it before it happens.”

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