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Stalking Defies Boundaries, Court Decides

By Howard Pankratz, Denver Post Staff Writer

A former prison guard who stalked his wife from Idaho to Colorado – after threatening to kill her and wear her teeth as a necklace – had his conviction upheld Thursday as the Court of Appeals ruled that stalking incidents can be legally recognized across state lines.

James W. Denman had argued that a stalking conviction required “repeated” acts. While he had violated a restraining order in Idaho, he said he had not stalked his wife in Colorado.

Denman, 34, and his wife were already separated when he broke into her Idaho apartment, even though she had a restraining order against him. He wrote accusatory messages on a door, smashed numerous items and smeared mustard around the apartment, court records show. As a result, Denman was fired from his job as an Idaho prison guard.

He blamed his wife for his job loss and threatened to take her to the desert, kill and bury her, make a necklace out of her teeth, wear it under his shirt and tell people she had run off with a motorcycle gang, according to records from the Colorado Court of Appeals.

The woman fled to her mother’s home in Grand Lake with her two children.

On April 11, 2001, Grand County deputies were called to the mother’s home after Denman was found in the alley talking to the kids.

“When I was interviewing her, she was so visibly upset just talking about the terror she had been through that her hands were shaking,” said Glen Trainor, former undersheriff of Grand County, who investigated the case. “This woman had been absolutely traumatized by him over a long period of time.”

Deputies searching Denman’s rented SUV found a rifle, ammunition, duct tape, a machete, pepper spray, handcuffs, a BB pistol and binoculars. A handcuff key was found hidden in his shoe. They then searched his van, which he had left in Fort Collins, and found a passport in his deceased brother’s name bearing Denman’s photo, a blank passport application, European guidebooks and notes stating “take the kids, cause havoc” and “the kids, revenge?”

“My initial impression after seeing all this is that what we did is we interrupted what was going to be a murder and a kidnapping,” Trainor said.

In upholding Denman's stalking conviction, the court rejected his claim that he couldn't be convicted of stalking because the offense requires "repeated" conduct, and no repeated conduct occurred in Colorado.

But the court said nothing in state law requires that all the stalking occur in Colorado and noted such a strained interpretation "could lead to the absurd result" that stalking conduct elsewhere couldn't be considered.

Denman was sentenced on April 5, 2002, to six years in prison. But the court ruled Thursday he will have to receive a new sentence because of a recent U.S. Supreme Court ruling that only juries, not judges, can impose sentences longer than the normal range. In this case, the court said, Denman could not be sentenced to more than four years in prison.

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