

AUGUST 21, 2014

Till **death** do us part

CHAPTER 2

‘I was so frustrated. I was naive.’

Attitudes in the Legislature stunned a women’s shelter director as she worked in vain for a new domestic violence law.



GRACE BEAHM/STAFF

The South Carolina House of Representatives is empty after the end of the term. The last time the Legislature acted to strengthen domestic violence laws was a decade ago when fines and sentences were increased for repeat offenders.

Becky Callaham stepped onto the South Carolina Statehouse grounds, filled with optimism, to support a proposed law that would provide better protections for victims of domestic violence.

She thought lawmakers would be stirred to action by the national scorn the state has received since September when it was ranked No. 1 in the nation in the rate of women killed by men.

Callaham, executive director of Safe Harbor, a Greenville-based women’s shelter, figured legislators might finally be ready to pass a new law aimed at stemming the carnage.

“I felt like we really could get something done.”

She left the March 27 hearing with her hope all but

shattered. She didn’t know the legislators on the panel, but one of them asked her a question that referred to female victims as “those types of people.”

Her mouth fell open in shock at the attitude she thought had died long ago.

And she watched the bill get dismembered as its sponsors tried in vain to win over lawmakers with objections about gun restrictions, increased sentences and the legal rights of accused abusers.

The bill’s provision for the surrender of firearms was dropped and the proposal for a maximum 180-day sentence on first conviction was cut to 60 days.

“It got chipped away to nothing, then died,” Callaham said. “I was so frustrated. I was naive.”



GRACE BEAHM/STAFF

Democratic Rep. Bakari Sellers of Denmark says he will try again next year to win approval of his bill to strengthen the state's domestic violence laws. His bill, and 11 others to bolster those laws, died without a vote in the last legislative session.

Inaction dooms bills as the death toll rises

A trail of death and inaction

The bill Callaham supported was filed Dec. 3, the first of seven proposed laws in what appeared to be a major effort by lawmakers to tackle the state's status as the nation's most deadly for women.

By the time the bill was formally introduced a month later at the opening of the 2014 legislative session, 72-year-old Andrenna Butler would be found by a neighbor dead on the floor of her Newberry home. She had a bullet in her head from what police described as a domestic dispute with her ex-husband of 50 years.

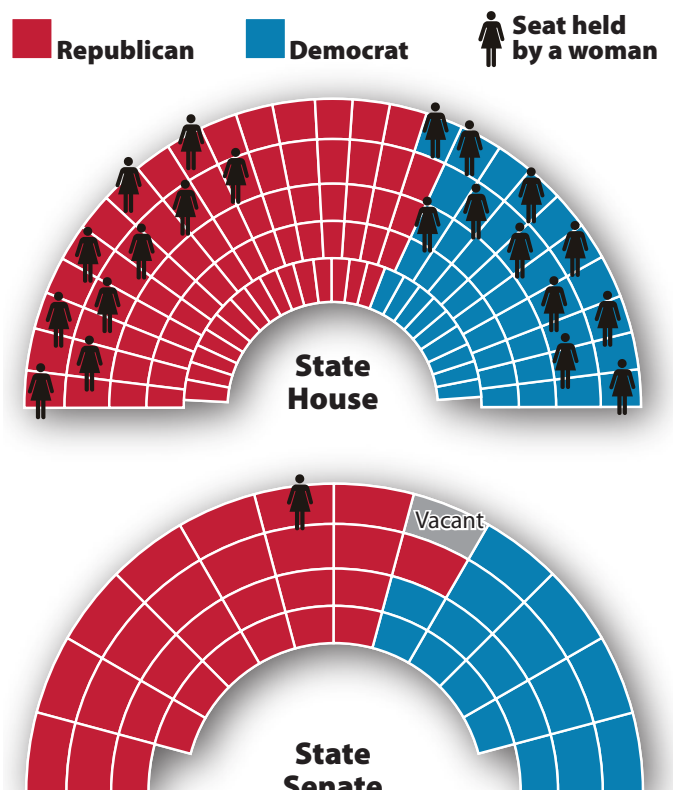
Before the first words of the bill were read on the House floor, five other South Carolina residents would die, also victims of domestic violence.

And the day after the bill was read and referred to the House Judiciary Committee for review, Sheddrick Miller armed himself with a handgun in his suburban Columbia home not far from the Capitol building. The 38-year-old methodically went from bedroom to bedroom, shot his two children, ages 3 and 1, in their heads, then killed his wife, Kia, and took his own life. Police described it as a tragic explosion of domestic violence.

None of these killings seemed to resonate much inside the halls of the Statehouse. In fact, one month after

Legislative leanings

South Carolina's legislature is dominated by men, Republican men in particular. Female Legislators hold little sway. Just one woman sits in the Senate, and only one in five House members is female. The state ranks 49th in the nation for the number of women elected to its legislature. And that's an improvement. For the decade until 2012, it ranked dead last every year.



SOURCE: CENTER FOR AMERICAN WOMEN AND POLITICS

GILL GUERRY/STAFF

Miller obliterated his family 11 miles from the Senate floor, lawmakers approved a measure to expand gun rights, allowing people to carry loaded, concealed weapons into a bar or restaurant.

By the end of that month, all seven of the new domestic violence bills would be referred for study to either the House or Senate Judiciary committees. There, they joined five other proposed domestic violence laws left over from the previous year's legislative session.

Both committees are filled with lawyers, many of whom practice criminal defense and are inherently suspicious of attempts to ratchet up penalties for offenders. The committees also are loaded with men. The 23-member Senate Judiciary Committee has only one woman. The House Judiciary has 25 members, of which five are women. And the subcommittee Callaham testified before contains no female members.

Rep. Bill Crosby, a Charleston Republican who pushed another measure to combat domestic violence, said many of the members on the committee are attorneys, "and they typically argue against strong penalties."

If proposals make it out of these committees, they stand a decent chance of becoming law. But the committees also can function like a legislative purgatory of sorts, a black hole in the process where unpopular bills languish in a limbo state until the clock simply runs out. In this manner, no one is required to take a stand and no up-or-down vote need take place. Committees instead adjourn debate, and the proposal just goes away with no record of why or who's responsible.

The last time the Legislature took a stab at strengthening domestic violence laws was a decade ago when fines and sentences were increased for repeat offenders. Lawmakers also added a mandatory one-year sentence for those convicted of domestic violence of a "high and aggravated" nature.

Opponents of those changes argued at the time that the increased penalties might result in people being arrested on lesser charges, such as assault. But a 2007 study by the state Office of Research and Statistics showed no substantive change.

More needs to be done

All of the legislators interviewed by The Post and Courier about South Carolina's deadly ranking for women agreed something more needs to be done to stem the brutality. But, they said, it often takes time to reach compromises to create workable laws.

It's time many women don't have, Callaham said.

In the two months between Miller's deadly rampage and Callaham's testimony in the House committee, seven more South Carolinians died from domestic violence, including 24-year-old Jeremy Williamson of North.

Williamson had been implicated in two earlier incidents of domestic violence for which he was not arrested. And he was awaiting trial on a charge of criminal domestic violence for a third incident when he got into

an argument with his girlfriend, Shayla Davis, 23, in the early morning hours of Feb. 2.

Police said Davis tried to leave, but Williamson dragged her back into the house, punched the back of her head and threw her to the floor. She struggled to her feet, grabbed a gun and ordered him to leave, but he lunged for her and took a bullet to his stomach.

Williamson died shortly after at a hospital. Orangeburg County Sheriff Leroy Ravenell called the killing justified because Davis was in fear for her life.

Ravenell labeled it another example of the epidemic of domestic violence sweeping the state.

"We must take steps now to improve a victim's ability to get the resources necessary to better manage and eventually leave these relationships," the sheriff told The (Orangeburg) Times and Democrat.

Brought to tears

Similar sentiments drove Democratic Rep. Bakari Sellers of Denmark to sponsor the bill Callaham went to the Capitol to support. Sellers said he drafted the measure after attending October's "Silent Witness" ceremony, a somber gathering in which the names of those killed in domestic violence the previous year are read aloud. It's an effort by the state Attorney General's Office to call attention to the macabre toll.

As name followed name, "I literally cried," Sellers said.

Sellers said he believes his bill did not get an honest consideration from the House Judiciary's Criminal Laws Subcommittee. He wouldn't name the lawmaker but said one expressed dismissive questions that blame women for not leaving their abusers.

Several people who were at the hearing, but didn't want their names used because they have to appear before the committee, identified the panel member as Republican Rep. Eddie Tallon of Spartanburg.

Tallon is a retired SLED agent who is known in the Legislature as an advocate for law enforcement and public safety issues.

"I'm the law-and-order guy on that committee," Tallon said. "I can't imagine me saying anything. ... If something was said, it was not said in a derogatory manner."

As far as domestic violence is concerned, he said, "We certainly have a problem. Anything we can do to help stem it, we need to do."

Sellers said the Legislature needs to do just that, fix it. He said that as a lawyer who has defended male and female abusers, he's seen the system's problems and believes his bill would have gone a long way toward solving those problems, especially with tougher penalties and more court-ordered counseling for batterers.

Though it can be difficult to pinpoint exactly who worked behind closed doors to scuttle this year's reform effort, some key opponents are well-known.

Republican Sen. Lee Bright of Spartanburg is a fervent defender of gun rights, and he is suspicious of many of the proposals that included provisions to restrict access

Legislative failure since Dec. 2013



Dec. 3, 2013

House bill pre-filed to increase misdemeanor or domestic violence penalties, require batterer counseling and allow judges to require gun surrender as a condition of bond.



Dec. 10, 2013

House bill pre-filed to create a felony offense of strangulation and smothering and to add those crimes to the list of offenses qualifying for an aggravated domestic violence charge.



Jan. 14, 2014

House bill on increasing domestic violence penalties referred to House Judiciary Committee. It stalls there and never goes to a vote.

House bill on strangulation offense referred to House Judiciary Committee. It stalls there and never goes to a vote.



Feb. 11, 2014

Gov. Nikki Haley signs bill into law that allows concealed firearm permit-holders to take their guns into bars and restaurants that serve alcohol.



Feb. 18, 2014

Senate bill introduced seeking to boost penalties for misdemeanor domestic violence offenses, mandate treatment programs and restrict firearm possession as a bond condition.



Feb. 20, 2014

The House passes a bill naming the Columbian mammoth the state fossil.



Feb. 24, 2014

Senate bill seeking to mirror federal gun laws is referred to Senate Judiciary subcommittee. It stalls there and never goes to a vote.

Senate bill seeking to boost domestic violence penalties referred to Senate Judiciary subcommittee. It stalls there and never goes to a vote.



March 19, 2014

Senate bill filed to designate barbecue the official state picnic food. Bill signed into law June 2.



March 27, 2014

House subcommittee hears testimony on bill to increase penalties on first-time domestic violence offenders and adjourns with no action.



June 6, 2014

General Assembly adjourns.



June 9, 2014

Gov. Nikki Haley signs into law a measure extending protective orders to pets left in the care of domestic abusers.

Women killed by men in S.C. since December 2013



Dec. 21, 2013

Andrenna Butler, 72, fatally shot in the head by her estranged husband, Charles Butler, 76, who drove from Pennsylvania to Newberry to kill her.

Mong Thuy Thi Doan shot to death by her 32-year-old boyfriend in North Charleston after they had just returned from Vietnam for the holidays. He then shot himself to death.



Dec. 30, 2013

Sierra Landry, 18, shot to death in Lancaster. Her ex-boyfriend, Tanner Crolley, is charged with her killing and is awaiting trial.



Jan. 15, 2014

Kia Von Miller, 28, shot to death in Irmo by her husband, Sheddrick Bryon Miller, 38, who also killed their two children and himself.



Jan. 29, 2014

Kimberly Sledge, 51, shot and killed in Pelzer. Her husband, John Calvin Sledge, 46, is awaiting trial on a murder charge.



March 19, 2014

Lacey Parker, 32, shot to death outside her home in Warrenton. Her ex-boyfriend, Todd Virgil Brown, 46, is awaiting trial on a murder charge.



March 21, 2014

Barbara Gregory, 71, shot in Rock Hill by her husband, Ronald Fred Gregory, who also shot and killed his 9-year-old granddaughter. Gregory then shot himself twice but survived.



April 26, 2014

Theresa Steward, 51, dies from a beating, allegedly at the hands of her boyfriend, Timothy Hemingway, in Eastover.



April 30, 2014

Mariann Eileen O'Shields, 55, shot to death outside a Spartanburg domestic violence shelter. Her husband, Robert Lee O'Shields, is charged with murder.



May 23, 2014

Frances Lawrence, 60, stabbed to death in her Moncks Corner home. Her boyfriend, Lee Dell Bradley, is charged with murder.



June 4, 2014

Tammy Flowers, 36, shot to death in her Goose Creek home. Her husband, Darryl Flowers, is accused of killing her and wounding her two nieces.



June 12, 2014

Susan Wilkes, 59, stabbed to death. Her husband, Marion Wilkes, and son, Joseph Wilkes, are charged with her murder.

Proposals faced some key opponents



GRACE BEAHM/STAFF

Becky Callaham, executive director of Safe Harbor, a Greenville-based shelter and counseling center for women, said she felt naive and frustrated after her high hopes for legislative action on domestic violence were dashed by the General Assembly this year.

“Domestic violence is primarily a crime against women, and it’s in a system enforced by men.”

Nicole Holland, criminal domestic violence prosecutor, Lexington County Sheriff’s Department

to firearms. Bright, a member of the powerful Senate Judiciary Committee where five of the bills died this year, said many of the proponents of stiffer domestic violence laws use them as a cover for restricting guns.

“There’s a segment of our population that wants to take our gun rights,” said Bright, who raffled off an AR-15 rifle this year as part of a bid for U.S. Senate.

In the Senate in particular, such sentiment can be fatal to a bill’s chances because all it takes to basically stop a measure is one senator’s opposition.

Republican Sen. Larry Martin of Pickens, chairman of the Senate Judiciary Committee, had no explanation for what happened to the bills that died in his committee. But he said his panel has tackled meaningful domestic measures in years past and generally stands behind efforts to protect women.

“We passed some good things that I believe made a real difference but we still have a long way to go,” Martin said.

House Minority Leader Rep. J. Todd Rutherford of Columbia also doesn’t hesitate to voice his dislike of virtually all of the bills designed to strengthen the state’s domestic violence laws. Rutherford, a criminal defense attorney in Columbia and a former prosecutor, is a member of the House Judiciary Committee, where seven of the domestic violence bills died.

Rutherford blames victim advocates for poisoning the well. He said all they do is push for laws that make it harder for the accused to get out of jail on bond and easier to increase their time behind bars once convicted of abuse.

He said such laws fail to take into account that many

cases involve families that might be preserved if the abusers were given more options to avoid higher bonds, stiffer fines and convictions.

The current maximum 30-day jail sentence for first-offense criminal domestic violence might not seem like much to some, Rutherford said, but it’s a long time for most people to be locked up. If jailed, the man could lose his family, his job, his benefits and his house, he said.

Rutherford contends that’s why so many women want to drop the charges after they call police: They realize the destructive consequences for the whole family.

Rutherford wants more pretrial diversion, counseling and classes to help change behavior, reaching not only perpetrators but also young people who might otherwise become perpetrators.

“We’ve got to show them a different way. We truly need to take a comprehensive look at how to fix the problem ... all we do is lock people up,” he said.

But don’t expect him to propose such a bill, Rutherford said, because his political opponents will accuse him of “pandering to offenders.”

Besides, he said, “It’s an exercise in futility because that takes money and we’re not going to spend it.”

Republican Rep. Greg Delleney of Chester, chairman of the House Judiciary Committee, did not return phone calls from the newspaper.

Focus on the causes

Between the end of March and the conclusion of the legislative session in June, six more domestic killings made headlines across the state.

Among those to die was 55-year-old Mariann Eileen O'Shields. She had checked herself and her daughter into a domestic violence shelter in Spartanburg and filed for a court order of protection to keep her husband away.

On April 30, she walked her 8-year-old daughter to the bus stop, not far from the SAFE Homes shelter where they were hiding. After her daughter boarded the bus to school, O'Shields walked back toward the shelter, less than 200 yards away.

A white van pulled near her. Gunshots shattered the quiet. She fell to the ground with three bullet wounds and died in an operating room. Her estranged husband, Robert Lee O'Shields, 52, awaits trial on a murder charge.

Republican Sen. Tom Corbin represents Greenville and Spartanburg in the Legislature. He also is a member of the Senate Judiciary Committee, where he opposed domestic violence bills with provisions to restrict firearms.

Corbin likened his feelings about gun restrictions to an episode of the 1970s television comedy "All in the Family."

In the episode, he said, "Gloria is talking about gun control and how people were killed by guns and Archie said, 'Would you feel better if they got pushed out the window?'"

Domestic abusers can turn to other weapons, such as knives or rocks or sticks, to get the end result they're seeking: murder. Restricting guns won't help solve that, Corbin said.

"A lot of times we're not focused on the right thing. We need to focus on what causes violence and try to stop that," Corbin said. "There needs to be a lot more love for Jesus in the world, and I think that would curb a lot of violence."

By the time the legislative session ended in June, all but one of the domestic violence bills had died in committee.

The lone exception: a measure approved by the Legislature in early June and signed into law by Gov. Nikki Haley. It provides for court-ordered protection for the pets of the victims of domestic violence.

Sellers, the Democratic House member from Denmark, said the Legislature's failure to pass any of the bills to protect domestic abuse victims, yet pass one to protect their pets, offers a sad commentary.

"When you say it like that, it's laughable. Then you have to stop and say, 'You know it's not funny.' A woman dying: It supersedes all politics, but it apparently doesn't supersede ignorance."

Faces of domestic violence

Stories of witnesses and survivors



Christan Rainey

All of the life events Christan Rainey expected to celebrate with his mother and siblings — the graduations, the weddings, the kids, the grandkids — are gone now, wiped out by one man's rampage.

Rainey was especially close to his mother, Detra, a tough single parent with five young children. But after Rainey left for college, Detra married Michael Anthony Simmons.

From afar, Rainey didn't know much about their relationship.

When Detra was diagnosed with colon cancer and underwent chemotherapy, it left her weak and vulnerable. Rainey wrestled with whether to come home to care for her.

"She needed me, and I wasn't there," Rainey said.

He was away at college in 2006 when it happened. Simmons, then 41, was charged with shooting and killing Detra inside their North Charleston home. Police say he then turned the gun on William Lee Rainey, 16; Hakiem Rainey, 13; Malachi Robinson, 8; and Samenia Robinson, 6 — all of Rainey's brothers and sisters.

"For the first time, I really knew what hate felt like," recalls Rainey, now a North Charleston firefighter.

More than 2,000 people attended their funerals.

A judge later found Simmons mentally unfit to stand trial, and he was confined to a secure state mental hospital.

Shortly after the killings, Rainey got a dog, a female pit bull named Isis, who became his beloved friend. She's almost 8 years old now, and Rainey dreads the day Isis will die, leaving him alone again.

S.C.'s domestic violence laws

Criminal domestic violence is the harm or injury to a household member, defined as a spouse, a former spouse, someone you share a child with or a man and woman who live together or have lived together.

- Criminal domestic violence first-offense is punishable by 30 days in jail or a fine of up to \$2,500. The court may suspend the fine if the offender completes a program designed for batterers.
- Criminal domestic violence second-offense is punishable by a mandatory minimum sentence of 30 days in jail or a maximum of one year in jail. The offense also carries a fine of up to \$5,000. A judge may suspend the fine or jail time beyond the mandatory minimum if the offender completes a program designed for batterers.
- Criminal domestic violence third-offense is a felony punishable by a mandatory minimum of one year in jail and up to five years in prison.
- Criminal domestic violence of a high and aggravated nature is a felony concerning assaults that involve a deadly weapon, result in serious injury or cause someone to fear for their life. The offense carries a penalty of between one and 10 years incarceration.
- Violating an order of protection related to a domestic situation or family violence is punishable with a sentence of 30 days in jail and up to a \$500 fine.

—Source: S.C. Code of Laws
