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RICHLAND COUNTY PROSECUTOR'S OFFICE

GARY D. BISHOP
PROSECUTING ATTORNEY

November 22, 2017

Chairman Bacon
Vice-Chair Dolan
Ranking Member Thomas
Members of the Ohio Senate Judiciary Committee:

Thank you for considering H.B. 207 in an effort to recognize that strangulation or "choking" someone is a seriously violent choice that often results in very serious and debilitating effects, even for those who manage to survive the life-threatening event.

As one of only five states in America that has not enacted a penal statute to address this specific type of violent criminal conduct, Ohio needs to address the circumstance wherein a person is literally brought to within a few minutes of death and, if they survive, are then more likely to suffer from stroke, traumatic brain injury, dementia, PTSD, memory loss and a host of other ailments for the rest of their life.

It's time that the State of Ohio impose strict penal consequences upon those who strangle or suffocate their victims simply as a violent way of demonstrating their power and control over another.

For too long now, our criminal justice system has had the mistaken view that if a victim somehow manages to survive being strangled or suffocated that the event was merely an "attempt". This in turn has led to the attitude that if the victim's visible injuries are either not present or only consist of a sore throat, trouble swallowing, etc. for a day or two then the offense is relatively minor and should be treated as a misdemeanor assault or domestic violence.

In many cases, if there is no visible injury, such as redness or bruising around the neck, police and prosecutors won't even pursue the matter. In far too many cases, we, as police officers, paramedics, doctors, victim advocates, and prosecutors, fail to recognize the dynamics of strangulation; what to look

for, how to treat the patient, how to collect and document evidence of strangulation, and ultimately, how to protect the victim from future harm by the offender and bring the would-be killer to justice.

Much needs to be done to educate first responders, law enforcement, the medical profession, prosecutors, victim advocates and the public before we can achieve consistent success in preventing, combating and providing justice and healing to victims of the crime of strangulation/suffocation.

It is my firm belief that we cannot and will not begin the process of educating Ohioans about this crime unless and until we make it a crime to start with.

Domestic violence strangulation is not about killing; it is about control. Domestic violence offenders who strangle often do not strangle to kill, but strangle to let their victims know they CAN kill them and that they can control whether or not the victim takes another breath. The perpetrators hands then literally become "deadly weapons".

Even in fatal strangulation cases, often there is no visible external injury. Only upon autopsy, because injury in strangulation is mostly internal, does injury become apparent.

"About half of all domestic violence victims have experienced at least one episode of strangulation prior to a lethal or near lethal incident. Victims of one episode of strangulation are 700% more likely to be a victim of attempted homicide by the same partner and 800% more likely to become a homicide victim at the hands of the same partner." ¹

I have attached to this letter an article about the life and murder of 36-year-old Monica Weber-Jeter. The article details how this young mother/daughter/sister was first strangled and later murdered by her estranged husband while Ohio's criminal justice system largely ignored or had no adequate response to her life-threatening situation.

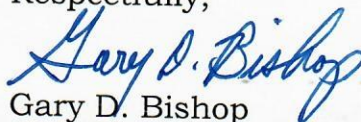
As I read this article, I shuddered thinking about a recent case in my office where a young woman, alleging that she'd been strangled by her male partner, was told by a physician to simply use some throat spray twice a day until the swelling and soreness in her throat went away. Or the gentleman in his mid-fifties who met with me in my office recently after having been "allegedly"

¹ Nancy Glass et al, "Non-fatal Strangulation Is an Important Risk Factor for Homicide Women", (2008) 35 J. Emergency Medicine 3:329.329

strangled by his adult son. Still coping with a sore throat and difficulty swallowing; he was resistant to my suggestion for follow-up treatment and clearly didn't appreciate the significance of the strangulation event, the danger it placed him in or the grave risk it forecast for his personal safety in the future.

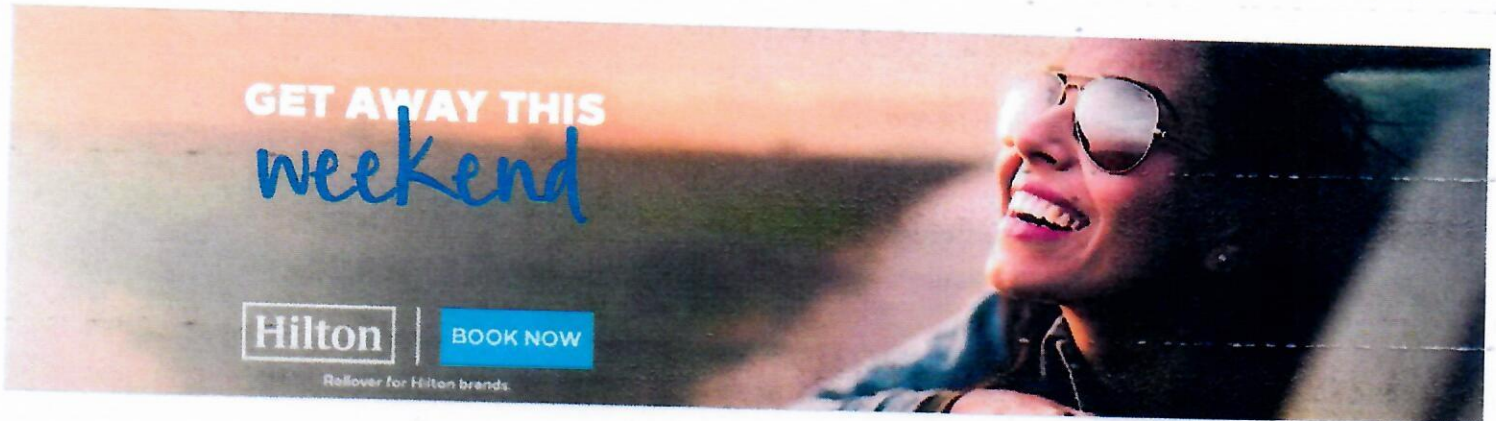
It concerns me greatly that Ohioans, even victims themselves, are largely ignorant and uninformed about the extreme ramifications of living with or associating with those who resort to strangulation as a violent and deadly means to exert power and control over their victims. I do not want to see another innocent life taken, like Monica Weber-Jeter. Not in my jurisdiction. Not in my state. Not on my watch.

Respectfully,

A handwritten signature in blue ink that reads "Gary D. Bishop". The signature is written in a cursive, flowing style.

Gary D. Bishop
Prosecuting Attorney

GDB/aky

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A Legal Loophole May Have Cost This Woman Her Life

When states fail to recognize strangulation as a precursor to domestic homicide, the results can be fatal.

By Melissa Jeltsen

10/09/2015 08:01 am ET | Updated Jan 18, 2016



FAMILY HANDOUT

From the outside looking in, Monica Weber-Jeter was far from isolated. The 35-year-old kept busy with five school-aged children, and worked at a bustling oncology clinic as a medical assistant. Her mom, her two older sisters and her identical twin sister all lived within a 10-mile radius of her home in North College Hill, Ohio, which she shared with her childhood

sweetheart. The sisters each had their own rapidly expanding families, and weekends were punctuated with kids' birthday parties and play dates. But in many ways, Weber-Jeter was entirely alone.

In interviews, family members describe Weber-Jeter as becoming increasingly distant and secluded in the last year of her life. Something was happening at home. Her sisters knew that Weber-Jeter and her husband, Andrae Jeter, had struggled at times during their 19 years of marriage, but they didn't know the exact nature of their issues.

Melanie Simms, her twin sister, said Weber-Jeter had been private about her problems ever since she was a child. "She would always keep everything to herself," she said.

But from what Weber-Jeter did tell them, her husband could be mean and jealous, making cruel jabs about her weight and accusing her of having affairs with men she innocently crossed paths with, like the security guard at her job. Weber-Jeter was reticent to say much more; she didn't want her family to hate him. But her oldest son surreptitiously made calls to her brother, complaining of the chaos and fighting that plagued the house at night.

On Jan. 31, 2014, Weber-Jeter was sound asleep when her husband woke her up and began yelling at her. According to her police affidavit, when she tried to leave the room, he blocked the door and wrestled her to the floor in a chokehold.

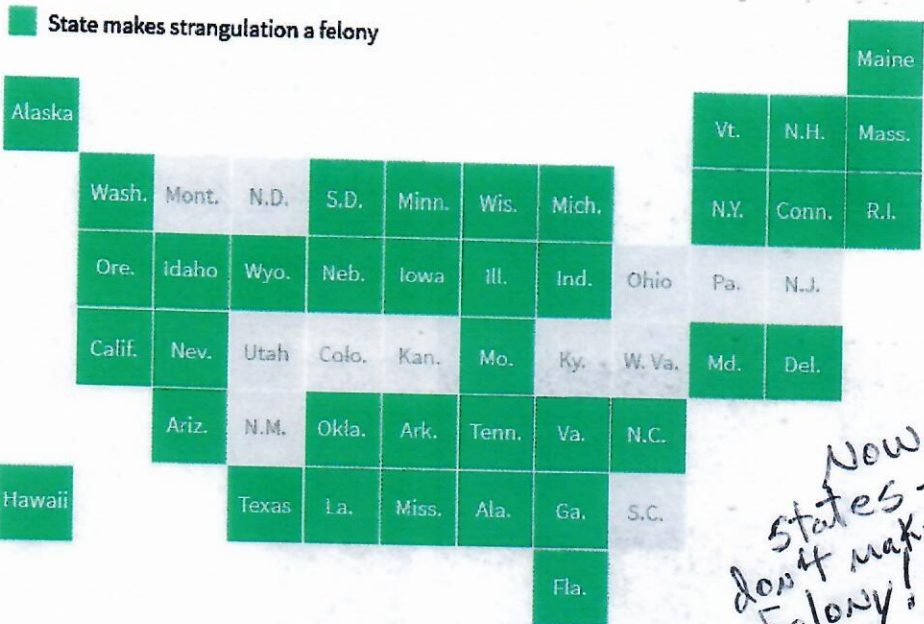
With his arm wrapped firmly around her neck, he held her down and strangled her until she was woozy and unable to call for help. Weber-Jeter told police that when he finally let her go, Jeter threatened to bash her and all the kids' heads in with a baseball bat.

Jeter was arrested and charged with a first-degree domestic violence misdemeanor, an offense that carries a maximum of six months behind bars in Ohio. He pleaded no contest. After serving 11 days in jail, he was set free.

In the past 10 years, there's been a growing recognition across the country about the importance of prosecuting strangulations as serious, felony-level offenses. But some states, including Ohio, have lagged behind. The consequences in Weber-Jeter's case were deadly.

3

Where Strangulation Is A Felony Crime



Now only 5 states - including Ohio don't make strangulation a felony!

Note: In Maryland, applies to sexual assault cases only.

Source: The Training Institute on Strangulation Prevention

THE HUFFINGTON POST

A Separation, Too Brief To Stick

In the days following the attack by her husband, Weber-Jeter told her sisters she was afraid of him. She filed a temporary protective order, which mandated that Jeter would stay away from her and their five children.

After his 11 days in jail, Jeter was released and moved into his mother's house. A month passed.

In March, Weber-Jeter decided to drop the protection order so that Jeter could have visitation with the kids. She didn't feel right keeping them apart. Slowly, the couple began seeing each other again. First, the kids would stay with Jeter on some weekends. Then they went on a few dates. In May, he moved back in.

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It's extremely common for women in abusive relationships to return to their partners. Experts say women may leave seven or eight times on average before leaving for good. The reasons

for staying vary from woman to woman: Some are afraid of accelerating violence. Others may still love their partner, or have nowhere else to go.

(4)

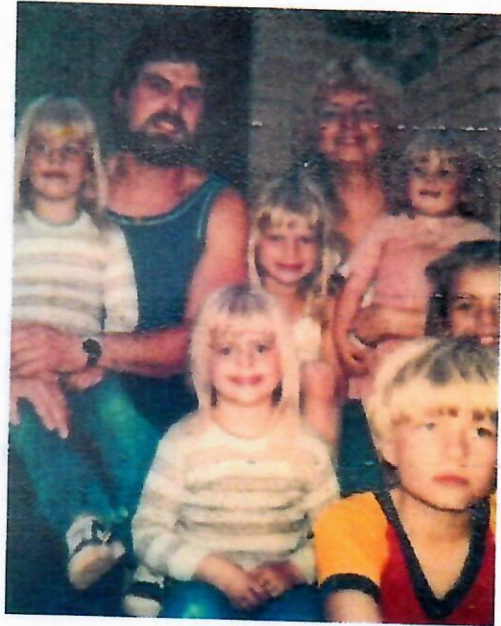


PHOTO CREDIT: FAMILY HANDOUT

On left, Monica Weber-Jeter smiles for the camera. On right, a young Weber-Jeter sits on father Rick Weber's lap in an old family photo.

For Weber-Jeter, her sisters say, she wanted to keep her family intact.

"She really thought he had changed, and he was doing everything he was supposed to," said her older sister Tracy Fisher. "We grew up with divorced parents. I know that was really important to her to have her family stay together."

Over the next few months, Weber-Jeter seemed to withdraw. When her sisters called or texted her at night, their messages went unanswered. In early August, her family held a surprise party for Fisher's 40th birthday. Weber-Jeter didn't show. Despite her physical proximity to the family, she was becoming impossible to reach.

In the early evening of Oct. 7, 2014, Weber-Jeter showed up at Fisher's house without warning. Simms, Weber-Jeter's twin sister, was also there, and the three of them talked in the kitchen. Weber-Jeter was distraught, telling her sisters that she couldn't take it any longer.

"She was crying, and said, 'Please don't ever let me get back with him,'" Fisher said. "I just hugged her."

Around 8 p.m., Weber-Jeter decided to return to her own home to sleep, but she came back a few hours later, telling her sisters that Jeter wouldn't leave her alone. She curled up with her twin sister. It was the last time the twins would ever share a bed.

At around 1 a.m., they heard someone knocking at the front door. It was Jeter. Weber-Jeter, embarrassed that her husband was making a scene and waking up the household, left with him. "She said she was going to go home, otherwise everyone would be up all night," said Simms.

But a few hours later, Fisher's household was woken up yet again, this time by a phone call. It was Weber-Jeter's 12-year-old daughter, in hysterics. Her dad had attacked Weber-Jeter while she was asleep on the couch, she told them, and she was lying in a pool of blood, unable to breathe. (5)

The 911 call that Weber-Jeter's young daughter placed to dispatchers.

(WARNING: Some readers may find this audio disturbing.)

▶ 0:00 / 3:42 🔊 🔍 ⬇️

An ambulance took Weber-Jeter to the University of Cincinnati Hospital. She had been stabbed at least 28 times, and had lost a large amount of blood. Four of Weber-Jeter's kids were home at the time of the attack; two of her sons, a 9- and 11-year-old, were in the room to witness it.

She spent the next month in critical condition in the surgical intensive care unit, holding on to life. Despite her severe injuries, her family said, she was alert for much of the time, and would communicate by mouthing words. Even in the midst of her pain, her sister Heather Randolph said, "she would put a big smile on her face" when people entered her room. After 32 days, with family by her side, Weber-Jeter died from her injuries. She was 36.

After her death, North College Hill Police Chief Gary Foust told WLWT Channel 5 that they had been called to Weber-Jeter's house many times for verbal altercations in the past. In another interview, Foust said "there was a continuous pattern of conduct that was occurring over a length of time."

Jeter was charged with aggravated murder and has yet to stand trial.





A Push For Monica's Law

In the months after Weber-Jeter was killed, one thought began to gnaw at her siblings: Was her death preventable?

As they read up about the link between strangulation and homicide, they came to a stark conclusion: Ohio had failed Weber-Jeter. Their sister had experienced one of the leading predictors of future domestic homicide, and yet the state had treated it as if it were a minor offense. Why? And how many other women was Ohio inadvertently putting in danger?

Nancy Neylon, executive director of the Ohio Domestic Violence Network, said that Jeter's sentence for strangling Weber-Jeter was fairly typical. "It's generally ignored," she said. "Unless police are trained, it might not even been noted in the police report."

A month after her death, the family launched a [petition on Change.org](#), calling for legislation that would make nonfatal strangulation a felony in Ohio. As of Oct. 9, "[Monica's Law](#)" had 93,235 supporters.

“

The minute you put pressure on someone's neck, you are announcing that you are a killer.

The very first name on the petition's list of signatures is Weber-Jeter's daughter.

"I'm signing this for other kids and adults so they don't have to suffer like my brothers, me, or my mom," she wrote.

This week marks the anniversary of the attack that took Weber-Jeter's life. Without a mother, and with a father in custody, Weber-Jeter's five children have been taken in by her family and are currently in therapy. Her sisters, still in mourning, are cautiously hopeful that telling Weber-Jeter's story will help inspire legislators to act on strangulation in the state.

It is their belief that if Jeter's first documented assault been taken more seriously, their sister would still be alive.

"Had there been a law in place when Monica was strangled, Andrae would still have been in prison, and she would have enough time to gain strength and courage and confidence in herself to get her and her children away to a safe place," said Simms.

After Weber-Jeter's death, when her sisters were going through her belongings, they found a revealing clue about how much she was struggling at the end of her life. Lodged in



between a bunch of self-help books on how to repair a marriage and how to forgive, they found divorce papers.

“It was at the point where she wanted to leave,” said Fisher. “She just wanted her kids to be happy.”

Need help? In the U.S., call 1-800-799-SAFE (7233) for the [National Domestic Violence Hotline](#).

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Melissa Jeltsen Senior Reporter, HuffPost

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'Monica's Law' Would Make Strangulation A Felony

Thanks to years of research, we now know that strangulation is one of the best predictors of a future homicide in domestic violence cases. A 2008 study found that 43 percent of women murdered in domestic homicides and 45 percent of attempted murder victims had been strangled in the past year by their abusive male partners. If a woman has been strangled, she is seven times more likely to become a homicide victim.

"The minute you put pressure on someone's neck, you are really announcing that you are a killer," said Gael Strack, a former domestic violence prosecutor in California who is now one of the nation's leading strangulation experts.

I was sleeping when Andrew came in my room & woke me up accusing me of ~~trying~~ ^{filing} charges against him for previously hitting me & trying to keep the kids from him. I told him I did not, I tried to to walk out of my room & he blocked the door telling me I wasn't going anywhere until I told him the truth. When I tried again to walk out he put his arm around my neck in a choke hold & pushed me on the floor still choking me until I was dizzy I couldn't yell for help. He finally let me go & my daughter came to the door because she heard me crying for help, he tried to keep me in the room ^{TO ADMIT} I got away he grabbed me from behind & strangled me.

CREDIT: FAMILY HANDOUT

An excerpt from a police affidavit Monica Weber-Jeter wrote.

Until about 10 years ago, Strack said, most states treated strangulation about as seriously as if the victim was slapped in the face. That's because strangulation often leaves no visible injuries, making it difficult to prosecute on a level equal to the severity of the act.

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In a groundbreaking 2001 study, Strack sifted through 300 strangulation cases that had been submitted for misdemeanor prosecution to the San Diego city attorney's office. What she found is now well-known: In the absence of obvious injuries, the criminal justice system didn't really have a way to appropriately prosecute strangulations.

To charge someone with felony assault, which carries more substantial punishment than a misdemeanor, the victim usually needs to have evidence of serious bodily injury, like broken bones or cuts. But in these cases, the victims just didn't have them.

"The lack of physical evidence was causing the criminal justice system to treat many 'choking' cases as minor incidents, when, in fact, such cases were the most lethal and violent cases in the system," she wrote in the August/September 2014 issue of The Domestic Violence Report.

She also found that while many strangled women didn't have visible external injuries, many had serious internal injuries that went undetected. Medical experts agree that the health consequences of strangulation can be devastating and long-term, and may include strokes, traumatic brain injury, post-traumatic stress disorder and even delayed death days or weeks after the assault.

Since Strack's published her research, she's been crisscrossing the country teaching police and prosecutors how to investigate and prosecute strangulation in the absence of visible injuries, and lobbying states to pass felony strangulation laws.

"We believe if you go after and start prosecuting these cases aggressively, you can prevent a homicide," she said.

It's Strack's mission to see all 50 states treat strangulation as a felony offense. Today, ⁴⁵~~38~~ states do so, with most states enacting legislation in the last decade. Ohio, where Weber-Jeter lived, is not among them.