



From the Desk of Troy King

Since my appointment as Attorney General, I have been to many places in our State. I have arrived there on the saddest of occasions. I have been to crime victims' vigils across Alabama where I have stood with weeping parents who wanted to show me the picture of a child who was long ago taken from them. As their tears fell on their picture of someone who was far too young to die, that parent asked me, "Where is the victim's voice?" Dozens and dozens of times, I have gone to the Alabama Board of Pardons and Paroles. There, I have stood with mothers and fathers, husbands and wives, sons and daughters, family and friends,



A Crime Victims banner was displayed in honor of Alabama's Victims on the portico of the Alabama Department of Archives and History building in downtown Montgomery on Inauguration Day in 2007.

as we sought to beat back the early release from prison that our system seems determined to bestow as a reward to criminals in our State for no other reason than "our pris-

ons are full." Over and over, as those who have gathered there experience the emotional trauma of the re-victimization that comes with having to relive and retell the awful events that

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brought us together, I have heard them ask, "Where is the victim's voice?"

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It is our honor to stand up for you. It is our privilege to stand beside you. We cannot undo the crime done to you, but you are never alone.

- Troy King

Meet Miriam Shehane

I am writing this on December 21st, just four days before Christmas. I am reminded that this is the most joyous season known to mankind. Indeed, it is for me also, but due to three evil people, my Christmas spirit has been somewhat shattered. Yesterday, thirty-one

years ago, Edward's life and my life became a nightmare that no parent should ever have to endure – a call from Birmingham that our 21 year old daughter, Quenette, had left the Birmingham Southern campus to purchase a bottle of salad dressing and after several

hours had not returned. This began a torturous experience that has not ended to this day. We knew in our innermost souls that something tragic had happened to our precious daughter, but we still prayed

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Cold Case Corner

The age of a case is no longer a bar to the efforts to obtain justice.

If you are aware of an old or cold case that you would like to have considered for acceptance into this Unit, I encourage you to contact your local law enforcement agency and ask them to review this case for its appropriateness for referral to this Unit. Once it is received with the required referral, it will be presented to the Cold Case Review Committee that will apply the criteria for a case to be accepted into this Unit. We look forward to bringing important resources to bear in the quest for justice.

On January 14, 2004, the badly decomposed body of Mont Highley, IV, was discovered in a grain silo in rural Macon County, Alabama. Mont had last been seen alive on Friday, November 28, 2003. In the months leading up to the discovery of Mont's body, the case had been treated as a missing persons case. Due to the physical condition of Mont at the time of his discovery, no official cause of death could be determined by forensics officials. Mont was 34 at the time of his death.

The Alabama Bureau of Investigation (ABI) has been the lead investigative agency in this matter since it began. Agents from the Office of the Attorney

General have assisted in the investigation from time to time but, after meeting with Mont's family in January of 2007, Attorney General King has made this matter a priority. Since then, this office has been actively involved with the investigation and has partnered with the ABI, offering available resources and our Special Agents' investigative skills and abilities.

The investigation has shifted from that of a missing persons case to that of suspicious circumstances and foul play.

Any information concerning this investigation should be forwarded to the Office of the Attorney General's Cold Case Unit at (334) 242-7345.

Meet Miriam Shehane - Continued

for a miracle that she would return to those of us who loved her so dearly. Sadly, that miracle never happened. Quenette's nude, frozen, and bullet ridden body was found where it had been dumped like a bag of trash. There are no words that can adequately describe the agony we felt. Ultimately, three Daniel Payne College fraternity brothers were arrested and charged with capital murder. Then, the experience with the judicial process began. I, as all crime victims, felt assured the "system" was going to be able to seek and get the justice these rapists/murderers deserved. As we progressed through the system, I was rudely awakened to the fact that, even though we had the very best prosecuting attorneys, Alabama legislation had been passed over the years that had caused the scales of justice to be so unbalanced that it boggled my mind. I realized I knew practically nothing about a system that, when I needed it so desperately, had given all the rights to the perpetrator while leaving the victims with nothing. For instance, why was the defense attorney allowed to have two jury strikes and the prosecution only one? Why was the defendant allowed to sit in the courtroom, even though he could testify, and

the victims were excluded? Why was the victim completely in the dark when their offender came up for parole? Why was there no assistance to the innocent crime victims due to their victimization? The whys went on and on.

As we went through the system over a period of five years and seven trials, I become more and more aware that, even though Quenette was as innocent as a newborn baby, it didn't matter. Even more disturbing, I discovered that the majority of people, both educated and uneducated, were as ignorant of the process as I was. We were electing people to make decisions so crucial to law-abiding citizens and never took the initiative to find out if those decisions would be detrimental to us. In exasperation, we victims cried out - "When in heaven's name did our legislators start having this mindset - to 'protect' the defendant at all cost?" The answer came by asking us to observe the makeup of the legislature, majority defense attorneys with key positions. That is when the light bulb came on. We needed to get our message out to the public and put pressure on the legislature to do the just and right thing by giving the victims the same rights as the perpetrator. And how could this be accomplished? To have a

network of crime victims, we would have to officially organize and speak in one voice. We have been doing this since November 15, 1982, and we have been a force to be reckoned with.

I wish I could report that Wallace Norrell Thomas, Eddie Bernard Neal, and Jerry Lee Jones all got their just punishment for raping and brutally killing Quenette, but we victims know all too well that anytime we are forced to have retrials and delays, the likelihood of getting true justice becomes more difficult. Wallace Norrell Thomas was executed on July 13, 1990, but due to a liberal judge who never imposed or upheld a jury's recommendation for death, Eddie Bernard Neal's sentence was commuted to life without parole. After three trials, Jerry Lee Jones wound up with a murder conviction and received a life sentence. This means our family must spend the rest of our lives fighting for the justice we know our vivacious five-foot child deserves. Jones's next parole hearing is scheduled for May, 2008. These parole hearings always set victims back to square one.

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Meet Miriam Shehane - Continued

Quenette's dream was to become an elementary school teacher because she loved children. She was to begin the master's program at Auburn University on January 4th even though she and her dad were staunch Alabama fans. Quenette had so much good in her and had the potential to do great things in her life. What she could have been was cut short – not by natural causes or an unintentional act – but by three cruel and heartless individuals. She, by the way, loved Christmas and was still a child at heart, excitedly anticipating all the celebration that occurs. Because this was her favorite time of the year, we place a Christmas tree on her grave each year.

No, we were not satisfied with Jones and Neal's sentences, but the longer I work in the victims' movement, the more convinced I am that God led me to this work in order for me to realize that we are more fortunate than thousands of other crime victims who receive less justice than our family. It is also extremely therapeutic to help others who have unfortunately experienced similar

circumstances.

I am often asked when I plan to "retire." I honestly can't answer that question; however, I must confess that my body may make that decision for me. I see no indication that crime victims are less in numbers, and they definitely are in need of assistance. I encourage all who are physically and mentally able to step forward and give of themselves to a devastated crime victim. Sometimes just listening without being judgmental is all that is needed. Each of us is unique in how we cope with our victimization, and no one way is necessarily the right way. The main thing is to let victims know that just because they want justice doesn't mean they are revengeful. Most importantly, remember that with God's help and the support of others, victims can and will survive.

- Miriam Shehane

Quenette Shehane's legacy lives on through her parents' s founding of Alabama's largest victims rights organization, Victims of Crime and Leniency. VOCAL provides a wide array of advocacy and other services to crime victims and survivors throughout Alabama. You may contact them

at: (800)-239-3219

www.vocalonline.org



From the Desk of Troy King - Continued

Repeatedly, my staff and I have counseled with victims who feel betrayed by plea bargains that exact far too small a measure of "justice" for the grievous and grave wrongs that have been inflicted on families throughout our State. And, each time, I have been asked, "Where is the victim's voice?" I have watched in shock, as some entrusted with the protection of justice have turned their backs on those they were sworn to represent and walked away from them. As I did, again the question begged, "Where is the victim's voice?" You hold in your hands the answer to that question. *The Victim's Voice*, a new publication of the Office of the Attorney General is designed to give voice to the concerns of victims and survivors of crime throughout Alabama. It is a publication designed to

provide empowerment and hope to those who have grown desperate and despairing at the hands of a criminal justice system that places the emphasis on the criminal. In the pages of this newsletter, it is my hope that we will provide information, because information is power; that we will place faces with names that victims encounter in what has become, too often, a faceless, impersonal, and sterile system; that we can provide a rallying point where victims and survivors of crime and those who advocate for them can learn about important new legislative initiatives that are designed to tilt the scales of justice back into balance for all who come into the system. It is time that we stand and declare, with the victim's voice, that those who are dragged into the system should be treated at least as well as those who dragged them there. No man could be

given a greater honor than that I have been given as Attorney General of the State of Alabama, the honor to stand and fight for victims of crime in my State, the privilege of being the victim's voice for those who, for too long now, have had none. With the issuance of this first newsletter, may all victims and survivors of crime throughout Alabama know that this Office has rededicated itself to its mission of serving you. While we can never undo the harm that has befallen those who are touched by crime, we can ensure that we fight tirelessly to win justice, that we strive vigilantly to never lose it, and that we ensure that no victim in our State is ever voiceless again or has to face the system alone. Each of these is a pledge that I make to each of you. May God comfort and console you as only He can.

Know Your Rights - A Guide to the Victims' Bill of Rights

The Right to Be Informed of Your Rights By Law Enforcement

After a crime has been committed, the Victim has the right to be informed of his/her rights. The law enforcement agency that responds to the crime must provide, within 72 hours of first contacting the Victim, a form that appraises the Victim of the following information:

- The availability of emergency and crisis services
- Recommended steps to take if the Victim is subjected to threats or intimidation
- The availability of Victims' compensation benefits as well as the contact information of the Alabama Crime Victim's Compensation Commission.
- The contact information of the law enforcement agency and prosecuting attorney handling the Victim's case
- Information about the steps involved in a criminal prosecution
- Information on the rights afforded to Victims by the Alabama Constitution on rights of Victims, and how to invoke those rights
- Information about the Victim's eligibility for restitution and compensation for their loss

The Right to Be Updated on the Case Against the Defendant

The state agency handling the case against the defendant, such as a district attorney's office or the Alabama Attorney General's Office, must provide the Victim with a form that includes the Victim's contact information, which will be used to keep the Victim updated on the status of the case against the defendant. After completing this form, the Victim has the right to be kept updated on the status of the criminal case against the defendant. This right includes:

- the right to be notified within a reasonable time of all charges filed against the defendant
- the right to be notified about any criminal proceedings that will be held in the case
- and the right to be notified of any changes that may occur in the case.

If the defendant has been released on bond, the sheriff or jailer must notify the Victim of such release if the Victim requests such notice from the sheriff or jailer.

The Right to Meet With The Prosecutor Handling the Case

If the case goes to trial, the Victim has the right to confer or meet with the prosecutor before the trial begins to share his/her thoughts and feelings on the case with the prosecuting attorney.

If the case does not go to trial, the Victim has the right to confer or meet with the prosecutor handling the case and share his/her views before:

- the charges against the accused are dropped
- before the charges are reduced (if they are reduced)
- or before a defendant is given a sentence which does not include jail time.

The Right to Be Present in Court

The Victim has the right to be present during any and all of the criminal proceedings, hearings, or trials against the defendant, and the right to be notified of such. This includes the right to be present at any court proceeding where the state and the defendant enter into a plea agreement. The Victim has the right to be seated at counsel table with the prosecutor during all of the criminal proceedings against the defendant.

While present at the courthouse, the Victim has the right to be separated from the defendant and the defendant's family in a separate waiting area provided by the judge. If the judge is unable to provide a separate waiting area for the Victim, the judge is required to minimize any contact between the defendant and his family.

Right to Confidentiality if the Victim is Subjected to Threats

If the Victim is a witness in any proceeding against the defendant including the trial, and if the Victim genuinely believes that he/she or his/her family will be subjected to violence or threats and intimidation by the defendant, then the Victim may notify the prosecutor to take appropriate action. The prosecutor may ask the judge to exempt the Victim from having to disclose personal information in the Victim's testimony.

The Victim has the right to respond to a subpoena to testify in a criminal proceeding, or participate in the preparation of a criminal proceeding without fear of losing his/her job and without any threats or intimidation.

The Victim has the right to refuse any request made by the defendant or his attorney for an interview or other communication with the Victim.

Attorney General's Office

11 South Union Street
Montgomery, Alabama
(334)-242-7300

Victim Assistance

(800)-626-7676
www.ago.state.al.us

Alabama Crime Victims

Compensation Commission

(800)-541-9388
(334)-290-4420
www.acvcc.state.al.us

Victims of Crime and Leniency (VOCAL)

(800)-239-3219
www.vocalonline.org

Alabama Coalition Against

Domestic Violence

(334)-832-4842
www.acadv.org

Mothers Against Drunk Driving

(800)-635-0722
(334)-277-7722
www.madd.org

Alabama Network of Children's Advocacy Centers

(334)-834-3468
www.alabamacacs.org

Alabama Coalition Against Rape

(334)-264-0123
www.acar.org

LEGISLATIVE AGENDA

1. Attempted Solicitation of a Child Victim - Some courts do not allow a person to be charged with soliciting a child by a computer if the person being solicited is in fact a law enforcement officer posing as a child. This bill clarifies the law and provides law enforcement with the tools they need to catch these predators.
2. Notoriety Bill - This legislation is designed to permit the Attorney General and other prosecutors to petition the sentencing court and obtain a court order directing prison authorities to seize tangible assets of a prisoner, and transmit them to the sentencing court for distribution to victims entitled to restitution. These assets would include artwork whose value has been enhanced by the notoriety of a prisoner as well as other property.
3. Attempting to Elude the Police - this legislation makes it a Class A misdemeanor for someone to flee from law enforcement. The penalty is enhanced to a Class C felony if a vehicle is used to flee law enforcement. The penalty is further enhanced to a Class B felony if the flight creates a risk of death.
4. Community Notification Revisions - this office passed comprehensive changes to the Community Notification Act in 2005. We are introducing this bill to make more revisions to the CNA, such as prohibiting all sex offenders from being able to work in community corrections, adding Boys and Girls Clubs, YMCA's, nursing homes, and foster homes to the list of restricted zones for sex offenders, and clarifying that a sex offender must provide an actual physical and verifiable address before being released.
5. Survivors Benefits - this legislation would provide a mechanism for allowing a law enforcement officer or firefighter to designate a specific beneficiary to receive the survivor benefits. It also provides that in the event a designee is not chosen, that non-dependent adult children would be included in the list of possible beneficiaries.
6. Capital Punishment of Child Sex Offenders - this legislation amends the code to provide for the imposition of the death penalty for a second conviction of rape, sodomy, or sexual torture of a child under the age of 12. The only appropriate punishment for these heinous offenders is capital punishment.
7. Nolo Contendere - "The Lisa Marie Nichols Justice for Victims Act" - this legislation would provide that a plea of nolo contendere in other jurisdictions will be treated the same as a plea, judgment, or verdict of guilt for Alabama law.
8. DUI bill - this bill will allow the court to consider all prior DUI convictions for sentencing purposes, regardless of when they occurred. There is a five-year limit on how far back prosecutors can go to bring past DUI convictions at sentencing. Currently, a person must have four DUI convictions within five years for the fourth to be considered a felony.
9. Concurrent/Consecutive Sentencing/Parole Eligibility - this legislation is designed to give meaning to sentences designed to run consecutively for determining when an inmate is eligible for parole consideration. This legislation would create a parole consideration term that would apply to each sentence received by the inmate.
10. Civil Recovery for Illegal Gambling Activity - this bill would provide a civil cause of action to recover civil monetary penalties for illegal gambling activities and would provide for the distribution of proceeds recovered for the operation of an illegal gambling device.
11. Felon Voting Rights - this bill would propose an amendment to the Constitution of Alabama to prohibit the Legislature from passing a special, private, or local law restoring a felon's right to vote and to provide that any person who is convicted of a felony is not a qualified elector until he or she has his or her civil and political rights or voting rights restored.
12. Reporting of Gunshot Wounds - this bill would require hospital personnel to report to law enforcement when a gunshot wound victim shows up at the hospital for treatment.

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