

## INTRODUCTION AND MISSION:

Hi, I am Jan's husband Rog, and I too am a victim. I talk like an engineer because I am one.

I believe in missions impossible. For example it's impossible to rocket men to the moon from earth. ... However we did send men to earth orbit, sent them in the direction of moon, did some mid course corrections, captured them in moon orbit, and dropped them down onto the moon. Each was a subordinate doable mission.

Today, I take on a doable mission. I will tell you about our later Victimhood and denial of victims' rights. If I succeed, this talk will help you help victims.

I use about 75% of this talk when Jan and I discuss Victimhood with inmates in prisons. We hope then that at least one convict will stop making new victims.

My first subordinate effort is to disclose that Jan and I started doing these speaking engagements in response to book related requests. Originally we went to book clubs, book fairs, libraries, state fairs, etc. so Jan could distribute news about her book while selling it to dedicated book readers.

However, shortly after Jan's book was published, we found ourselves to be enmeshed within our Victimhood#2. It is an ongoing effort and involves Tod's murderess submitting a Writ of Habeas Corpus with an allegation of improper juror seating. I will finish that short story later. Suffice to say now that during 5 days in 1991:

1. The prosecutor told the court in pretrial that his friend, dentist Mike Wilson was in jury pool;
2. Both he and his friend Mike Wilson went to their high school reunion; and
3. Then Mike Wilson was seated on the murderess' jury.

But because of that story, Jan and I now rationalize that we go everywhere as Victims' Rights advocates who use Jan's book sales to help pay the way for better rights for victims. We get petitions signed so we can ask legislators to enhance Victims' Rights laws.

After Jan's book was published, I became Jan's marketeer and Web master.

So as the marketeer, I tell everyone – 'go to Jan's web site. You will find five reviews and about 40 readers saying, they could not put the book down.'

As the Web master, I also chose Victimhood excerpts from Jan's book:

## MEMORIES:

It is my hope that I can also let you feel some of my memories.

Jan and I denied that Tod was gone.

We talked for three months in “what if only” sentences.

‘What if... Harry Joe had gone to the police with his story?’

Like Jan, I listened to the psychologist. I told Tod’s story again and again and again. Then after the Tammy trial, I thought I got my anger under control. I had stopped crying.

- Note for 35 years of his life, I never had one thought that Tod would die.
- From his birth, it was my job to provide for him, protect him and to teach him some things Jan did not teach.

I tried to discover who Tod had become – from the pieces he left behind:

- I searched the West Virginia building that Tod lived in and worked from – that happened each night I was in town while running his businesses.
- I was looking for everything, anything and nothing all at once.
- I wanted to know any secrets. I wanted to know what he thought.
- I wore the gold chain that they left on Tod when he was temporarily buried in Ohio. I wore it with respect. I just hoped it gave me power to understand him.

Victimhood is fraught with both physical and mental pain.

## CHANGE OF LIFE STYLE:

I hope I also convince you that victimhood does change one's life style.

Believe me when I tell you, my life after Tod's death has frustration and confusion as well as clarity of purpose.

Tod's death has given me strength and focus for some opportunities.

These opportunities included me becoming the male household image for Tod's two daughters.

Just think of me trying to help Liz with two broken arms both in casts.

- Watch me panting at 65 years old as I danced trying to keep up with 15 year-old Heather in one dance recital.
- It is a blessing when either granddaughter tells me that she loves me.
- I only hope that you get to keep seeing and experiencing love of your family.

Last month, I received a six-page letter from a Pennsylvania State Representative who informed me that he is submitting a bill to meet our state petition's request for enhanced Pennsylvania Victims' Rights.

Jan and I talked with Tom Campbell in the West Virginia House of Delegates about revising the state Victims' Rights.

Beyond that, I believe in the power of Jan's book and I work toward all ages (starting about 16 years-old) reading it.

- **Some people lived sheltered lives in their youth. Security Breach helps readers gain respect for criminal potential by focusing on Tod's murderess.**
- After experiencing victimhood, even vicariously, some people become more ready to help with victims' rights.

I must tell you that I am glad for the opportunity to speak to you today. I consider myself lucky being invited into your lives.

These are just some of my good feelings coming after the pain of being a victim.

However, I do not hesitate to tell you the obvious that Victims are being created! It only needs a criminal to select a son ... (or dad... or spouse...) to be the victim!

## ANOTHER STORY:

Here is one family man's (Charles') outcry for males after being a sideline victim of homicide:

### THE DEATH AND AFTERMATH

You, as a male, recently received the notice of the death of a loved family member. You were told of it by a policeman, doctor or another spokesperson or possibly discovered it yourself. Be it murder or DUI homicide or accident or suicide or catastrophic illness, it doesn't really matter – you are starting down a traumatic road that, if you let it, can lead to the complete destruction of your life.

At first, the sudden shock leaves you numb. You might even cry a little. But then a little voice says, "Men don't cry." Someone, yourself or a well-meaning soul, mentions what has to be done: the calling of the rest of the family, the arranging of the funeral, the carrying on of life.

You look to your female half (wife, mother, sister, daughter) realizing that she is incapacitated by grief and crying. You pull yourself together. Taking your punishment like a "little soldier," you start to make the step-by-step arrangements.

Like a strong pillar, you force your life back into shape. You don't have time to cry. You have to meet people at the funeral. You can't do that if you allow grief to take over. You have to be the support of the surviving family, remembering the guilt of the last argument you had with the dead has to be smothered. You have to get back to work to help pay for all of this. You would rather hunt down and kill whoever did this to your family. You have to comfort others around you, forgetting the all-consuming anger over the way of death and treatment your surviving loved ones, including yourself, received from the authorities.

You make it through the funeral and the time consuming cluttered days afterward, when you haven't had time to acknowledge the boiling cauldron of grief, guilt and anger inside you. The female members of the family are still caught up in shock and grief. But for you, it's back to work, back to normal living, back to the association with people who don't know, don't understand, so, back go the feelings, deep into the mind, to fester longer.

By now you know, if you really talk about what has happened, you will break down emotionally and maybe even cry. We were raised by our parents by the rules that "men don't cry," "you have to stand silent and take your punishment like a little soldier" and quite often, "the longer you cry, the longer you will be beaten."

Back to work, where, if you show too much emotion, or any at all, you are looked on with suspicion and run the risk of losing your job. Back to work, where, after the first "sorry," they look the other way, hoping you'll go away. Hoping that what has happened to you is not catching and won't happen to them. So it's bury yourself in your job, even though your dead loved one is in your thoughts 75 or 95% of the time, forget them and work!!!

### RENEWING THE PAIN

Just when things are looking better, if you're lucky (?), the trials start. Step-by-step, what has been done to the loved member of your family is brought out. Your loved one is attacked often by the defense attorney. It takes days for the trauma of a [crime's] few minutes to be relived. Even if the trial has an outcome acceptable to you, the attempts to reverse the decision start immediately and go on for years.

The family and you have been re-traumatized. Most likely, during the trial you found out that the state considers the murder not a crime against a person but a crime against the state, and you are outraged. It's your kid, your spouse, your sibling, your parent, and those family members and you don't even count except as evidence.

And you and your family start again to put your lives back together, now knowing that because of the judicial and prison systems you will have to do this many times over.

### NORMAL REACTIONS

Presently (more guilt), you notice your wife has cried herself into a semblance of recovery. She and her friends have cried together. Maybe she has gone to counseling. Maybe she has joined a therapy group or self help group. She is rising above the trauma, but just barely. You can't talk to her because of the fear of being seen as weak, and maybe sending her back into grief. So you continue to draw away from your wife into yourself and you feel guilt about this too.

Burying yourself in your work seems to help. You are not allowed to dwell on your loss. For a brief time, sometimes stretching into minutes, you don't even remember the pain. You begin to accept overtime or take on more than you possible can get done. Extra jobs which at first help with the burial expenses continue to be an escape from your facing up to the problem. This means less and less time at home facing the guilt from which you have to get away.

Sleeping has become a problem, and during the day you are having widely swinging moods. A well meaning but foolish doctor will give you sleeping pills and tranquilizers to get you through the trauma. These pills will outwardly help. You forget, and so you become dependent on them for day-to-day existence. And maybe those other [street] drugs you hear about will help even more.

What do you do with your evenings?? You can't talk with your wife anymore and just sitting, watching television doesn't keep the memories from flowing back, especially with your loved one on your mind so much of the time. Remember how she... Remember the time he... On and on, [your mind takes you back].

A few drinks will help. Oh yes, maybe you have to go to the corner bar with the boys to get away from the guilt you feel while being with your wife. Maybe your wife is the one dead and you can't stay home anymore.

Maybe the corner bar is across town, and nightly you have to drive home drunk. So what! You've driven drunk before. Besides, since no one's talking to you, no one cares if you live or die anyway.

### WHO CARES?

Everyone does! They are standing outside of the barrier that you have thrown up around yourself. They are watching you destroy a person that they love dearly. They don't know how to break through this wall you have put up. The only one who can break down this impassable, invisible wall is you.

### WHAT TO DO?

You must: Forget "MEN DON'T CRY." Forget "the silent little soldier taking his punishment." Forget to hide your emotions. Reach out for help.

Find someone to listen to how you feel, clergy, therapist, doctor, wife or someone who has been through it like you. Someone from the group you wife joined. Someone who has spoken out and is healing; healed enough to accept the pain of other and help their healing to begin.

But most of all, you have to let the emotions out that are destroying you.

You must learn to cry! Allow yourself to cry long and loud, until you begin to recover. And allow yourself to do it whenever you feel the need again, forever. It won't be easy. Years of crippling training have to be undone. It takes tremendous courage, tremendous strength to cry. All the strength and courage you thought you were showing before.

I can cry; I am healing; I am surviving. You can – you must – cry, heal and survive, too. Life will never be the same again. You can't bring them back. But your good memories will keep them alive for you. You can have those good memories only if you are healing.

## YOUR RESPONSE:

(I can identify with his plight. Could you see his victim's pallor within his description?)

Similarly, Jan's readers can understand how a female, Jan, responded to victimhood when they read her book.

When they put Jan's book down, they effectively shut off its Victimhood. Reading Jan's book gives readers only a vicarious experience as if the reader were Jan.

- On the other hand, you are studying to be Criminal Justice Professionals. You might be in real time with real victims.
- Even your family might be caught in the wake of your criminal justice activities.
- You too can become a victim of crime.

Do you really know how you will respond in the real world?

- Have you learned how to help victims? – the sideline victims? - the kids?
- Have you learned how to protect yourself from victimization on the job?

You may be interested to know that some colleges teach students how to help others in victimhood.

In Miami, the Florida International University has victim advocacy training:

- Their 2-day training covers the following topics: Sexual Assault, Stalking, Domestic Violence, Victims' Rights, and Peer Education.
- Students must complete 15 volunteer hours after the training to receive their certificate of completion.

## VICTIMHOOD#2:

Now I restart my earlier promised story to describe our Victimhood#2. It includes denial of Victims' Rights.

- My 12 page 'white paper' and pertinent transcript copies are found on Jan's Web site 'Blue' page under Victimhood#2. (you can go directly to) [<http://www.janmcquaid.com/victimhood-2.htm#index>]
- I recommend your review because I believe it shows what can happen in our Criminal Justice Systems.
- It also conveys what I knew and didn't know after 14 years of Victimhood.

Things changed again on March 10, 2004. A phone call from Morgantown, West Virginia informed me that the murderess got a new trial and a reduced sentence in 2003. Then she would start parole board hearings and eventually could get a release.

The three 1984 victims' rights granted to us by West Virginia state law but denied to us by the Greenbrier County Prosecuting Attorney through his staff are:

- To be notified of any public hearing in our case
- To review any plea bargain
- To submit an impact statement

We found that we had no West Virginia Victims' Right to be able to discuss anything with the 2004 Greenbrier County Prosecuting Attorney.

We also found that the West Virginia Victims' Rights laws have no feedback within the judicial system to ensure Victims' Rights law compliance by the criminal justice professionals.

(I am trying to format a petition to address this last issue.)

(Perhaps this 'monitor and ensure compliance' could be presented to the WV House of Delegates as a class project.)



## TIME LINE:

Here is the time line leading up to our 2004-2005 Victimhood#2 ordeal.

1991 5-day window:

- Day 1 Pretrial – prosecutor’s friend Mike Wilson in Jury Pool
- Day 3 High class reunion – prosecutor and classmate Mike Wilson attend
- Day 5 Trial – Mike Wilson seated and serves

2000 Murderess’ Writ of Habeas Corpus enters Criminal Justice System

2001 Prosecutor assigned to respond to updated habeas

2002 Prosecutor misses two dates, original and requested 30-day extension to respond

2003 Prosecutor apologizes and receives third court order to respond.

- Then prosecutor misses third response date
- Then prosecutor fails to appear at his default hearing
- So Court denies him opportunity to call witnesses at hearing
- Prosecutor gets murderess to cop plea bargain for reduced sentence
- Victims’ are denied West Virginia Victims’ Rights

2004 Court finalizes the Writ of Habeas Corpus relief and resultant second trial and I get my phone call from Morgantown.

In summary, I just gave you enough information to suggest that the West Virginia Judicial System allowed Tammy Wilson to get Parole Board Hearings as a result of prosecutor inaction.

## OUR FEELINGS:

Several months later, Jan just simply started with 'Why would or could the 1991 prosecutor forget so fast?'

Jan found that the inactive 2003 Assistant Prosecuting Attorney also made an error.

- Jan phoned the Dentist Mike Wilson (I'm a Dentist, I never served on any jury!)
- After 30 more phone calls, she talked to the juror Mike Wilson.
- These two men were 13 years apart in age.
- Only the Dentist Mike Wilson knew the 1991 Prosecuting Attorney.

The 2003 Assistant Prosecuting Attorney also told Jan he talked to the 1991 Prosecuting Attorney.

- So Jan asked the 1991 Prosecuting Attorney who denied that he had ever had a conversation with the 2003 prosecutor about the Tammy Wilson trial.

Jan and I asked four lawyers about legal help. One lawyer stated, "You have a novel case. If you gave me \$50,000 up front, I still would not take the case."

Can you tell me why the victim should need to spend money to repair a "State" legal problem when the government pays a lawyer to represent some criminals?

Inaction, omission or error – does it matter? Tammy Wilson was given a second plea bargain trial with its reduced sentence.

- The bottom line: We were not able to get the "State" omission and error faults corrected because of the US constitution's double jeopardy rule.

Jan's Web site shows error and omission faults and contorted-truths by the Greenbrier County Prosecutor Attorney's Office. It also contains some of my correspondence to multi-levels of the West Virginia government seeking their help.

Most important, that white paper points out that the "State" as represented by the Greenbrier County Prosecuting Attorney did not recognize West Virginia's own 1984 West Virginia Victim's Rights laws. It also shows that the West Virginia government would not punish itself for its own failure.

## PROSECUTING ATTORNEY:

OK I told you that the Assistant Prosecuting Attorney did nothing for two years. His boss, the Prosecuting Attorney did nothing too, except he 'sandbagged' us.

- In March 2004, Jan tried to call the Prosecuting Attorney about not receiving a trial notice. He refused to talk to her.
- In August 2004, I tried calling the Prosecuting Attorney about the habeas error. Again he refused.
- In August, I FAXed my questions and asked him for a FAX response. No response.
- In September 2004, I FAXed results that Jan uncovered about his assistant's error. No response.
- In September, I sent him a second copy when I sent him a copy of the letter I sent to the WV Governor.

Next in November 2004, a newspaper reporter (using Jan's and my information) asked the Prosecuting Attorney questions similar to my August questions. Note these were the ones that I FAXed answers to him twice in September. His response quoted by the reporter:

- "I am relatively certain that Steve (his assistant) talked to Rick (the 1991 Prosecutor).
- And I am relatively certain there is an affidavit or something signed by that juror (Wilson) in the file."

Thus his two items contradict facts in my September FAX and letter to governor.

I suggest that what I just told you was a cover-up ... of the omission and error faults by the Office of the Greenbrier County Prosecuting Attorney. Sure someone can suggest that he never read my September answers or some other rationalization. But he is the supervisor who at least would have reviewed his assistants' caseload. Considering the numerous phone calls and FAXes, he should have done a September problem review before he misleads the newspaper readers in November.

Three days later the reporter quoted the 1991 Prosecuting Attorney response that contradicted the 2004 Prosecuting Attorney with the heading:

- "[1991 Prosecutor] was not a friend of juror."

## FRUSTRATION:

Nothing has been done to rectify the State errors. The Office of the Attorney General says nothing can be done (remember the double jeopardy rule). The Governor (Wise) did not even respond to letters. The Greenbrier County Commissioners claim they have no authority to act. The West Virginia Lawyer Disciplinary Counsel refused twice to address the issues.

Here we are ... the victims ... being frustrated by our team ... who seems to be changing the truth for the criminal.

Can you feel our confusion?

It even seems like a conspiracy!

In March 2004, Jan and I screamed at each other for several weeks. It was as if we blamed each other for something in 2003 that we could not know happened.

Tod's murder induced-paranoia seemed to kick in big time as I tried to guess what happened. I even suggest that the two Wilsons might be cousins.

Picture a parole board hearing: The day is our 50<sup>th</sup> Wedding Anniversary. The place is a room in a prison. We face the murderess' side, six feet in front. We know (from court transcripts) that she planned the killing of our son. We watch while she lies to the parole board about her role in planning our son's murder. We watch Heather at 18 cry as she reads her two pages describing the murderess' impact on her life.

This second Victimhood over-came me. I lost ten pounds.

So in 2004 I felt I had to go back to the psychologist. I felt betrayed by the "State". The prosecutor and his supervisor did not do their jobs. Jan and I were paying for it.

Let me simply state that my 2004 emotional reaction to the 2003 plea bargain trial results were almost as bad as losing my son in 1990.

## PETITIONS:

Historically, Victimhood support in the legislatures generally started about 1970. The 1984 West Virginia state statute and the 2004 Federal statute are available for visitors to Jan's website. There are other web sites that list state rights for the other states.

Yet much can be improved for rights of victims. Jan and my discussions included: West Virginia's Victims' Rights 1984 statutes were ignored by the Greenbrier County West Virginia Prosecuting Attorney's Office in 2003 at no penalty to the prosecutors.

First for the ignored statutes, we are trying to re-position congress to re-ignite their failed efforts from 1996 to 2004 for some minimal Victimhood Amendment.

Perhaps our Constitution Victimhood Amendment Petition is just a fantasy. It implies that we might be able to stop victims from being second-class citizens by just adding the term "victim" to the US Constitution. It also implies that Federal help for State victims could result.

Second, we are trying to enhance the state victims' rights laws.

A 2004 Federal Victims' Rights Statute does give each state's Federal crime victims the right to 'converse with the attorney for the government'. However the prosecutor is limited to just being... "an attorney of the government". It does not let victims talk with that attorney's supervisor should the victim find that to be necessary.

I tested five states and found that the Maryland, Pennsylvania, New Jersey and West Virginia Victims' Rights Statutes do not offer the right for state crime victims to talk to the prosecutor.

Yet the 2004 Federal victims' rights statute does give Federal crime victims in those four states the right to 'converse with the attorney for the government'.

Only Ohio of the five states I reviewed, offered this right to both state and Federal crime victims.

Our petition seeks to use the Federal law as a guideline to elevate states' victims' rights to at least the level of the Federal law where needed. But we ask that the resultant law be expanded to include talking with the prosecutor's supervisor if needed.

## CONCLUSION:

In her book and her presentation today, Jan described her emotions of being a victim.

Also I have described my emotions in Victimhood. Further I read another male response to Victimization.

I have given you some examples of problems foisted by the "State" upon Jan and me in Victimhood.

I have given you some image of help hopefully coming to all victims in their Victimhood.

But all our effort today comes down to this request looking forward to your Criminal Justice professionalism:

- Jan and I ask you to consider the victims' plight.
- Only you can set your course of action for your future.

Jan and I hope that your desire and your effort will go in a good direction.

Let us all hope that time tells your answer with pride!

Always remember this country put each man on the moon using many doable missions!

Thank you.

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Jan and I are here now and would welcome the opportunity to answer questions.

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Thanks.