

Kevin McCormick Acquitted Of Man- slaughter By Minnesota Court Of Appeals

Kevin Thomas McCormick [has been acquitted](#) by the Minnesota Court of Appeals of his second-degree manslaughter conviction in the 2010 death of 64-year-old deer hunter Jerry Donald Benedict in Clearwater County, Minnesota.

McCormick saw Benedict on a deer stand on November 6, 2010 that he thought was encroaching on his property. McCormick, 52, confronted Benedict explaining that he was trespassing. The stand toppled over while McCormick was standing on the side of the deer stand reaching up to hand Benedict a business card.

Although Benedict got up on his own and drove his ATV to the camp where his fellow hunters were, McCormick called 911 to report the incident. He told the operator Benedict "got up under his own power" and "rode away on an ATV".

When Benedict arrived back at his camp about 10 a.m. he gave no indication he was in any pain, and when he test fired his rifle to see if his scope was working properly he hit a paper plate set-up on a tree branch 40 yards away.



Kevin Thomas McCormick (Clearwater County Sheriff mug shot 2010)

After lunch Benedict and another hunter walked to another deer stand. Benedict climbed up the ladder onto the deer stand that was 10' to 12' off the ground. Later that afternoon Benedict walked back to the camp to get a chair for the second deer stand.

After sunset a fellow hunter found Benedict lying down in his cabin between 6 and 7 p.m. Benedict was moaning, struggling to breathe, and he appeared to be in pain. 911 was called and Benedict was transported to a hospital in an ambulance. A blood test established that when he arrived at the hospital after 7 p.m. he was legally intoxicated with a blood alcohol level of .08.

Benedict's chair and hat were found below the deer stand where he had spent the afternoon, while a heater and soft drink were found on top of that stand. At the hospital doctors discovered Benedict's injuries, included dislocated vertebrae, broken ribs, abdominal bleeding, and a dislocated shoulder.

The police assumed Benedict's injuries were caused by his fall on the morning of November 6, and charged McCormick with assault.

After surgery on November 16 to stabilize Benedict's spine and repair other injuries, his lung collapsed, he had renal failure, atrial fibrillation, and other complications. Benedict died on the 24th. McCormick's charge was then increased to manslaughter.

During McCormick's trial in 2011 the prosecution's case was circumstantial since there was no confession of guilt, no eyewitnesses, and no physical or forensic evidence directly tying him to Benedict's death.

The prosecution contended McCormick's reckless disregard for Benedict's safety resulted in the toppling of the deer stand and the injuries that ultimately caused his death. McCormick's defense was he didn't act with reckless disregard and there was evidence Benedict's injuries occurred after their encounter on the morning of November 6.

Two prosecution expert medical witnesses testified Benedict's death resulted from trauma sustained on November 6. Although they couldn't identify at what time it occurred or what event caused the trauma, they said it was consistent with falling from a deer stand.

McCormick's attorney called Dr. Mary Carr as an expert witness. Dr. Carr, an emergency room doctor, testified the description of Benedict's behavior after he arrived at his

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Christiansen cont. from page 10

During her trial in November 2011 Christiansen's lawyer argued she couldn't have violated GC §90 because from commencement of the contract on June 1, 2006 between the BHUSD and Christiansen, and then Strategic Concepts, she was both in title and substance not a "member ...officer or employee" of the BHUSD. The prosecution argued that who was covered by the statute was flexible and so it applied to Christiansen.

The jury convicted Christiansen of all four counts on November 21. Her bail was revoked and she was immediately taken into custody. Christiansen [was sentenced](#) on January 5, 2012 to 4 years and 4 months in prison and ordered to pay restitution of \$3,539,991. She was released on \$400,000 bail pending the outcome of her appeal. It [was reported](#) the BHUSD spent more than \$2 million related to Christiansen's prosecution.

Christiansen appealed on several grounds, including that she couldn't have committed her accused crimes because she wasn't a member, officer or employee of the BHUSD

as required by the statute. The State argued, as the prosecution had at trial, that the wording of GC §90 shouldn't be interpreted literally, and so it applied to Christiansen.

On May 31, 2013 the California Court of Appeals, Second District, Division One issued its opinion in *The People v. Karen A. Christiansen*, No. B238361 (CA CA2 Div.1) that [stated in part](#):

"Because it is undisputed that at all relevant times Christiansen was an independent contractor, she was not an employee within the meaning of section 1090 ...At least for purposes of criminal liability under section 1090, an independent contractor is not an employee." (Op. cit. 8-9)

"Because Christiansen was not a member, officer, or employee of the relevant public body, section 1090 does not apply to her. We therefore reverse her convictions, vacate her sentence and the restitution award, and direct the superior court to dismiss all charges against her." (Op. cit. 2)

Christiansen, now 55, had been released on parole before her convictions were vacated.

[Click here to read](#) *The People v. Karen A. Christiansen*, No. B238361 (CA Ct of Appeals 2nd Dist, Div 1), 5-31-13.

Source:

[The People v. Karen A. Christiansen](#), No. B238361 (CA Ct of Appeals 2nd Dist, Div 1), 5-31-13

[Former Beverly Hills school official's conviction overturned](#), *Los Angeles Times*, May 31, 2013

[Ex-School Official Tied to Newport Superintendent Gets 4 Years In Prison](#), *Newport Beach-Corona del Mar Patch*, January 5, 2012

[Woman in school case arrested](#), *The Orange County Register*, December 27, 2010

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