

## Mother Acquitted By Appeals Court Of Wilful Child Neglect Conviction

A mother has been acquitted by New Zealand's Court of Appeal of her wilful neglect conviction for smoking methamphetamine when her son was in their house.

During a police investigation of the mother's methamphetamine use a detective obtained a hair sample from her 3-year-old son. The hair tested positive for the presence of a trace amount of methamphetamine.

The mother was charged with wilful neglect of her son's welfare based on the presence of methamphetamine in his hair.

During her District Court bench trial in 2012 she testified that when she smoked methamphetamine her son was either asleep in his room, with her mother, or with a babysitter. She also testified that she thought it probably wasn't a good idea to smoke methamphetamine around her son, however she didn't know what if any effects the smoke might have on him. When she was asked how methamphetamine came to be in her son's hair, [she stated](#), "I don't know. It'll be right through the whole house, I suppose."

The judge found her guilty, ruling she had wilfully neglected her son's welfare because [she had a](#) "conscious appreciation that methamphetamine smoke was harmful and she failed to act to protect (the boy) from the effects of it."

In her appeal the woman's lawyers relied on two arguments. They argued that her lack of intent to cause harm to her son was established by the un rebutted evidence she only smoked methamphetamine when her son was asleep in another room or out of the house. They also argued the health effects of exposure to second-hand methamphetamine smoke on children has not been adequately studied, so the woman could not have known what if any risk it posed to her child.

On June 7, 2013 New Zealand's Court of Appeal quashed the woman's conviction on the basis she did not wilfully put her son in harm's way because he was either asleep in another room or out of the house whenever she smoked methamphetamine, and she did not fully understand what if any potential harm methamphetamine smoke might have on her child.

Consequently, there was insufficient evidence to support that she had wilfully endangered her son's welfare. The Court [ruled that](#) "Rather, the facts went no fur-



New Zealand's Court of Appeal building in Wellington, New Zealand

ther than placing her in the category of a parent who ... genuinely failed to appreciate her child's needs through personal inadequacy or stupidity or both."

Since the woman's conviction was quashed on the basis of insufficient evidence, a retrial wasn't ordered.

The mother's identity was not disclosed during her appeal due to a suppression order.

[Click here to read](#) the Court of Appeals ruling in *T v. R*, [2013] NZCA 212 (7 June 2013).

Source:  
[T v. R](#) [2013] NZCA 212 (7 June 2013) (CA683/2012)  
[P-addict's child neglect conviction overturned](#), *Stuff.co.nz*, June 7, 2013  
[Mother's neglect conviction over P quashed](#), *NZCity News*, June 7, 2013

## Karen Anne Christiansen Acquitted By CA Appeals Court Of Conflict Of Interest Convictions

The California Court of Appeals has acquitted Karen Anne Christiansen of her 2011 conflict of interest convictions and ordered dismissal of the charges.

On June 1, 2006 Karen Anne Christiansen began a contractual relationship with the Beverly Hills Unified School District (BHUSD) for her to provide consulting services as an independent contractor. The contract specifically detailed there was no "employer-employee" relationship between Christiansen and the BHUSD, and she could perform work for clients other than the BHUSD.

In February 2007 the BHUSD agreed to assign Christiansen's interest in her contract to her company Strategic Concepts.

In 2005 the BHUSD and Johnson Controls entered into a contract, which was modified by three "change order" agreements in 2007. At the time Johnson Controls was the



Karen Anne Christiansen, 52, outside the Santa Monica Courthouse on December 26, 2010, the day she was charged. (Scott Smeltzer, Daily Pilot (Newport, CA))

56th largest company in the United States with annual sales of \$38 billion. Acting as a consultant, Strategic Concepts recommended the BHUSD agree to the three "change orders." Strategic Concepts received no financial benefit from the "change orders."

In 2008 Strategic Concepts prepared a report concerning BHUSD facilities that raised a number of safety concerns, including seismic safety problems with several schools. The BHUSD submitted a bond measure to pay for the necessary work, which was passed in November 2008. The [BHUSD amended](#) Strategic Concepts' contract for it to provide "program and project management services" for some of the projects funded by the bond.

In August 2009 the BHUSD demanded return of all money paid by the school district to Strategic Concepts. Christiansen responded by suing BHUSD for the remaining \$372,000 she claimed was owed to Strategic Concepts.

The BHUSD responded to the lawsuit by instigating a criminal investigation of Christiansen and Strategic Concepts. On Dec 9, 2010 Christiansen was criminally charged by Los Angeles County DA's Office with four counts alleging she violated Government Code §90, which states:

"Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members."

Christiansen's four alleged violations of GC §90 were related to the BHUSD's three change orders in 2007 with Johnson Controls, and the 2008 amendment to BHUSD's contract with Strategic Concepts.

Christiansen [was arrested](#) on Dec. 26, 2010 and taken into custody. The judge set her bail at \$2 million based on the prosecution's argument that because she had no family ties to the Los Angeles area she was a flight risk. During her arraignment on January 3, 2011 her bail was reduced to \$400,000 and she was released.

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# 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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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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