

**2011 – 2012
ILLINOIS YOUTH AND GOVERNMENT
JUDICIAL PROGRAM
TRIAL FACTS – CASE B
PEOPLE V. STEVENS¹**

IN THE CIRCUIT COURT OF LAKE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Plaintiff,)	Case No. 2011-12-B
)	
v.)	STATEMENT OF
)	STIPULATED FACTS
ANDY STEVENS,)	
)	
Defendant.)	

All of the parties agree to the following facts:

On April 18, 2011, Andy Stevens, age 18, shot and killed his stepfather Charles LeMart, as LeMart entered the front door of their home at 1520 Lynn Avenue, Riverwoods. Andy then called the police. Detective Nickie Loo responded to the call, reported to the house, interviewed Andy, then arrested him. Andy was charged with premeditated murder in the first degree.

Andy waived his right to remain silent and admitted that he shot LeMart, but asserted that he acted in self-defense. Andy claimed that he acted in self-defense because he perceived that he was in imminent danger of serious bodily harm due to years of abuse at the hands of Charles LeMart - a condition similar to the "battered woman syndrome" called "battered child syndrome."

Andy stated that LeMart came to live with the family 12 years ago, when Andy was 6 years old, and that LeMart had abused Andy, Andy's younger sister and their mother on almost a daily basis since 1999, when the family moved into a home of their own. Andy states that LeMart was subject to unpredictable bursts of anger, when he would beat them, smash their toys, and threaten to kill them for failing to do chores around the house.

The State of Illinois claims that Andy acted with a premeditated intent to cause the death of his stepfather, and did cause his death. The prosecution denies that Andy was acting in self-defense because LeMart was not actually threatening Andy at the time of the shooting.

Andy claimed that at the time of the shooting he was in fear for his life because LeMart had threatened to kill him the night before, after LeMart had accused Andy of stealing drugs from him.

¹Written by the Institute for Citizen Education in the Law, Seattle, WA. Names changed for the 2011-2012 Illinois Youth and Government Judicial Program.

Pleadings:

The state has filed murder charges against Andy Stevens. Andy has entered a plea of not guilty.

The following witnesses will be called:

For the State of Illinois:

Detective Nickie Loo, Riverwoods Police Department
Jan Martinez, friend of defendant

For the Defendant, Andy Stevens:

Andy Stevens, defendant
Dr. Pat Carroll, expert on battered child syndrome

Report Of Detective Nickie Loo

My name is Nickie Loo, and I reside at 253 Fountain Lane, Riverwoods. I am a detective with the Riverwoods Police Department in Riverwoods, Illinois. I have been a police officer for 21 years and a detective for 10 years. Presently I head up our homicide investigations division.

On April 18, 2011, at about 4:45 p.m. I received a call on my car radio that there had been a shooting at 1520 Lynn Ave; I was in the area and responded to the call.

I arrived at the house at 4:55 p.m. and found a white male lying on the doorstep, with two gunshot wounds in the head. He was dead. I checked and found no weapons in the dead man's possession.

The defendant was standing in the living room, just inside the front door, still holding a 9 mm handgun. No one else was home at the time. I quickly walked through the house, and there was no sign of a struggle.

I advised the defendant of his rights. The defendant was crying and seemed disoriented. I could smell alcohol on his breath. We took the defendant down to the station, where he gave a voluntary statement.

The defendant admitted to shooting LeMart, but claimed that he was acting in self-defense.

Statement Of Jan Martinez

My name is Jan Martinez, and I am a good friend of Andy's. I live at 1723 Lynn Ave, Riverwoods. I'm a junior at Riverwoods High School. Andy and I have known each other since sixth grade, when he moved in down the street from my family. We've dated since 9th grade.

Andy is really moody. In the last few months before the shooting, he was really hard to be around. He'd started breaking dates and was hanging out with a pretty tough crowd. I'd basically decided to just avoid him. I also think he was going out with someone else, but I'm not sure.

Anyway, the day of the shooting, I stopped by the Stevens' house in the morning on the way to school, and Andy was home alone. He told me to come up to his room. When I did, he showed me a shotgun he said he had taken from Mr. LeMart. Andy said it was loaded, and he was going to use it to kill Mr. LeMart.

Well, I was pretty freaked out, and even though I know that Mr. LeMart is not exactly the ideal father, I couldn't believe that Andy would really follow through with it. So I didn't really take him seriously. Now I really wish I had done something to try to stop him.

Statement Of Andy Stevens

My name is Andy Stevens, and I'm presently residing at the Lake County Jail. I'm 18 years old, and I was a senior in high school at the time of the shooting.

Up until the shooting I lived with my mom and little sister at 1520 Lynn Avenue. LeMart moved in with us about 12 years ago, when I was 6 years old. My dad had just left. We've never heard from him since the day he walked out. My mom was happy when she met LeMart because he seemed like a good provider, and he was okay to us kids at first, too.

Pretty soon we moved into a house that LeMart bought, and almost right away things began to change. He started beating on my mom first, and then started in on me. He'd scream and yell if I didn't take out the garbage when he asked, and if he thought I was slow, he'd find something he knew I really cared about and destroy it. One time he smashed my bike with a sledgehammer, and another time he threw my new stereo out the window. I'd saved up for months to buy it.

But all of that wasn't as bad as when he'd beat us. It was totally unpredictable. One minute he'd be fine, and the next he was kicking me in the stomach, pinning me to the floor and bashing my head on the floor. It happened at least two or three times a week. A week before I shot him I had to go to the emergency room and get 15 stitches in my forehead where he took a baseball bat to me when he thought I'd stolen some marijuana from him. Only a few minutes earlier we'd been playing ball.

The night before the shooting, I could hear him slapping my mom around, and I yelled for him to stop. He came in my room, and told me if I didn't keep out of his business, he'd "get rid of me once and for all." He accused me of taking some stuff from him.

The next morning, after everyone else had left the house, I broke the lock on his closet and took out his shotgun and another smaller gun. The smaller gun was already loaded. I drank some of his alcohol, just to make him mad, and sat waiting for him.

I don't really remember what else happened, except that when he walked in the door I must have shot him. I was sure that he was coming to get me.

Statement Of Dr. Pat Carroll

My name is Pat Carroll, and I reside in Milwaukee, Wisconsin, where I am a professor of psychology at the University of Wisconsin-Milwaukee. I hold a Ph.D. in psychology from the University of Minnesota. I have written numerous articles about the battered child syndrome, and was in the forefront of bringing this condition to the attention of the courts as a legitimate defense to cases in which children have killed abusive parents.

I also spend time testifying at trials across the country. My fee is \$5,000, plus expenses. This includes my time in reviewing the case files, interviewing the defendant, and actual testimony.

I have reviewed the files in this case, and conducted two one-hour interviews with the defendant. In my opinion, Andy Stevens was suffering from battered child syndrome at the time he shot and killed his stepfather.

"Battered child syndrome" is an extension of the battered woman syndrome. The battered woman syndrome has become an accepted defense by abused women who have killed their abusive husbands or boyfriends. Like the battered woman syndrome, the battered child defense allows jurors to evaluate the state of mind of the child at the time of the act of killing by considering a pattern of abuse that had altered the child's perception about whether he was in imminent danger at the time of the act.

Battered children and women perceive, more acutely than strangers, the imminence and degree of danger at the hands of their abusers. We call this "heightened awareness" or "hypervigilance." Victims of continued abuse become attuned to stages of violence and learn to interpret certain conduct to indicate an imminent attack or a more severe attack. To a battered person, subtle changes, like a new method of abuse, may create a reasonable fear of imminent severe or deadly violence that might be imperceptible to an outsider. Because victims of abuse know their abusers and their capacities for violence, they may strike back at times that seem to the outsider less dangerous than previous episodes of abuse, or that do not seem threatening at all to someone else.

Children who have suffered abuse over long periods of time often also suffer from low self-esteem, depression, isolation, a belief in the omnipotence of the abuser and a sense there is nothing they can do to stop the violence.