2009

Los Immigrantes: In-depth Reporting and Anonymous Source Analysis

Ashley Belcher
Western Kentucky University

Follow this and additional works at: http://digitalcommons.wku.edu/stu_hon_theses
Part of the Immigration Law Commons, and the Journalism Studies Commons

Recommended Citation
http://digitalcommons.wku.edu/stu_hon_theses/269

This Thesis is brought to you for free and open access by TopSCHOLAR®. It has been accepted for inclusion in Honors College Capstone Experience/Thesis Projects by an authorized administrator of TopSCHOLAR®. For more information, please contact topscholar@wku.edu.
This Capstone Experience/Thesis is an in-depth reporting project on Hispanic immigration in Bowling Green, Kentucky. With a journalistic approach, this project identifies key issues in the immigrant community, including issues concerning illegal immigrants. The purpose of this project is to identify and document the stories of these immigrants. Because some sources interviewed were illegal, anonymity was upheld throughout the project. This CE/T also analyzes the use of anonymous sources in journalism. Specifically, this project analyzes the balance of the field of journalism’s requirement to inform its public and the requirement to not harm any source.

INDEX WORDS: Immigrant, Anonymous Source, Journalism, Illegal Immigrants.
LOS INMIGRANTES: IN-DEPTH REPORTING AND ANONYMOUS SOURCE ANALYSIS

by

ASHLEY BELCHER

Committee Chair: Gordon “Mac” McKerral

Committee: Harry Allen
Baozhen “Maggie” Luo

Electronic Version Approved:

Honors College
Western Kentucky University
May 2009
DEDICATION

When I began interviews for my senior thesis I was nervous to document the Hispanic immigrants of Bowling Green, Ky. How was a 22-year-old white female supposed to report in “Little Mexico,” a community almost entirely made up of Latinos?

But then I met Margarita, an illegal immigrant from Mexico.

She let me into her home like a long-time friend. We sat on her couch and she told me how her daughter had been raped in a room just five feet from where we were sitting. She told me how she then lost custody of her daughter and how she cries each day not knowing how she is doing.

I would like to dedicate my Capstone Experience/Thesis to Margarita and the rest of the Latinos that told me their stories. Gracias con toda sinceridad.
ACKNOWLEDGEMENTS

This project is very near to my heart and all of those who helped make it come to fruition are even closer. I want to thank Elio Pajares for contributing all photographs and for helping with translation during interviews. To my primary adviser, Mac McKerral, thank you for not only your guidance with this project but also for four years worth of advice. You always knew to hand me the stress ball when I entered your office, but you put up with my need for perfection. Harry Allen, my second reader, thank you for helping me so very last minute. I have enjoyed learning from you for the last four years. To my fiancé, Jeff, thank you for understanding that I needed to do this and for taking care of Cooper each night I was interviewing. Lastly, I want to thank my sources: Leticia, Margarita, Bexebee, Jesus, Juan Pablo, Justina, Elmer, and Alex. Gracias por todo. Ustedes han cambiado mi vida con sus historias.
# TABLE OF CONTENTS

**ACKNOWLEDGEMENTS**

## CHAPTER

1. **REPORTING ON ILLEGAL IMMIGRANTS: AN ANALYSIS OF ANONYMOUS SOURCES**
   - Introduction
   - First Amendment
   - Public Perception
   - Ethical Codes
   - Case Studies
   - Conclusion
   - Works Cited

2. **PERSONAL ESSAY**

3. **AN ILLEGAL IMMIGRANT’S JOURNEY**

4. **A FARMER’S PLIGHT**
   - Just Another Saturday

5. **EL AMOR DE DOS MADRES**
   - Sign These Papers
   - Termination
   - Should I Hit Him?
   - Indefinite Decision
   - A Baby Girl
   - Justina’s Timeline
Margarita’s Timeline 44

6. RESIDENT’S UNINFORMED OF DIVERSITY 46

7. LOCAL HISPANIC CRIME RATE LOWER THAN U.S. AVERAGE 50

APPENDICES

APPENDIX A: PHOTOS 53

APPENDIX B: DOCUMENTS 59
REPORTING ON ILLEGAL IMMIGRANTS: AN ANALYSIS OF ANONYMOUS SOURCES

Introduction

During the past decade, coverage of illegal immigration became more noticeable in both print and broadcast news. This makes sense. An estimated 8.3 million illegal immigrants currently live in the United States.\(^1\) A Pew Hispanic study also states that unauthorized immigrants comprise 4 percent of the U.S. population, 5.4 percent of the American workforce and make up nearly 7 percent of children in U.S. elementary and secondary schools.\(^2\) But as these interrelated numbers continue to grow, journalists face new challenges in coverage of the issue, including the use of anonymous sources.

Reporting on immigration often involves interviewing individuals who entered the United States illegally. For obvious reasons, they do not want U.S. authorities such as the police or Immigration and Customs Enforcement to know their identity or immigration status. But does this mean immigrants remain off limits to journalists? It is possible for immigrants to agree to interviews but ask for anonymity. Journalists take great risks by using interviews with anonymous sources. The practice of granting anonymity for sources comes with many issues, including First Amendment rights, public perception and ethical considerations.

First Amendment

As outlined in the First Amendment of the U.S. Constitution, Congress shall make no law abridging the freedom of speech or of the press. Journalists and others have fought to protect this right since passage of the Bill of Rights.

---


\(^2\) Ibid
The John Peter Zenger case in the 1730s is the most prominent example of licensing in the American colonies. Zenger, who published the New York Weekly Journal, was jailed after printing attacks on Governor William Cosby. Cosby thought by shutting down the paper he could silence his critics. Under 18th-century British law, what Zenger published was seditious and he could without a doubt be jailed. But at trial, his attorney, Andrew Hamilton, convinced the jury that no one should be punished for publishing criticism of the government. Though this decision did not set the precedent that journalists cannot be licensed, it was revisited when the Constitutional founders set out to write the Bill of Rights. Because they recognized licensing under British control, the founders included the First Amendment.³

Historically, there have always been times of government oppression. But these usually coincide with moments of unrest, such as economic crises, war or threats to national security. In contemporary times, the U.S. Supreme Court has consistently ruled in favor of the First Amendment, the freedom of speech and of the press and consistently ruled against governmental licensing of journalists.

In 1931, the decision of Near v. Minnesota furthered this idea of freedom of expression. The Minnesota Supreme Court upheld a district court’s decision that Jay M. Near and Howard Guilford were guilty of a public nuisance after printing defaming articles about Minneapolis public officials and that their paper, the Saturday Press, should be shut down. When the case reached the Supreme Court, the decision was reversed with a 5-4 ruling, saying the lower courts actions were examples of censorship.⁴

In 1938, the Supreme Court ruled in Lovell v. City of Griffin that the city could not prevent Alma Lovell from distributing religious material door to door. The Supreme Court reversed a 1940 decision in Thornhill v. Alabama made by a lower court that prevented Byron

⁴ Ibid
Thornhill from labor picketing. *Austin v. Keefe*, in 1971, reinforced previous decisions when the Supreme Court dissolved an injunction prohibiting an Austin community organization from printing pamphlets warning citizens of real estate schemes. And again in 1971 the Supreme Court ruled 6-3 to allow the New York Times and Washington Post to publish the Pentagon Papers, volumes of top-secret government studies. The U.S. government unsuccessfully tried to prevent the two newspapers from running with documents.\(^5\)

Just one year after the famous Pentagon Papers, the Supreme Court ruled on *Brazburg v. Hayes* establishing a constitutional protection of news sources. This ruling consolidated three similar cases. The first involved Paul Branzburg, a reporter for the Louisville Courier-Journal who was called to testify in court after writing stories on drugs and drug dealers in Kentucky. The second involves Paul Pappas who was called to testify after filming in the headquarters of the Black Panthers. The last involves Earl Caldwell who also gained access to the Black Panthers. In a narrow vote, the Supreme Court ruled that journalists had the right to shield their sources. They ruled that this right was not absolute, rather required a balance of freedom of the press and “the obligation of all citizens to give relevant testimony.”\(^6\)

Since then journalists have gone to great lengths to protect this freedom, especially with regard to protecting their sources from identification. In 2004 Judith Miller, a reporter for the New York Times, spent 85 days in jail for refusing to reveal her confidential source to a federal grand jury investigating the leak of Central Intelligence Agency Valerie Plame's identity. Miller’s jailing made headlines across the U.S. and renewed the debate over whether the First

---


Amendment provides reporters sufficient protection from government inquiry into their methods of newsgathering.\textsuperscript{7}

The American Society of News Editors, or ASNE, reports on its Web site that since 2001 five journalists have served time in jail for refusing to reveal their confidential sources in federal court. Two reporters were sentenced to 18 months in prison and one reporter faced up to $5,000 a day in fines. ASNE also cites a 2006 study showing that “67 federal subpoenas sought confidential material from reporters, with 41 of those subpoenas seeking the name of a confidential source.”\textsuperscript{8}

Two weeks after Miller’s jailing, journalists asked the Senate Judiciary Committee to back federal legislation to protect reporters from being forced to disclose anonymous sources. Time Inc.'s editor in chief said, “the lack of a federal shield law has led to ‘chaos.’”\textsuperscript{9} Thirty-six states have statutes protecting reporters from naming sources, but advocates pushed for a federal shield law. Though The Free Flow of Information Act passed with a vote of 398 to 21 in the House of Representatives, it failed to pass the Senate.\textsuperscript{10} It was reintroduced in early 2009.

Sen. Arlen Specter, D-Pa., one of the senators who reintroduced the bill, said:

“This legislation is very important to maintain the flow of information to the American people from the newspapers, radio and television stations. It is necessary because we have seen in recent times a flurry of subpoenas being issued to reporters to disclose their confidential sources, and a reporter’s source of information really depends upon their being able to fulfill a commitment of confidentiality.”\textsuperscript{11}

The Web site of Sen. Chris Dodd, D-Conn., states: “The bill would set national standards that must be met before a federal entity may issue a subpoena to a member of the news media in any federal criminal or civil case.”

This means that litigants or prosecutors must show they have exhausted all other means to get this information.  

The bill is currently in committee and awaits approval by the House of Representatives, the Senate and then signature by the president.

Public Perception

The role of journalism and journalists is a much-debated topic. Once considered American heroes, journalists now are often portrayed as untrustworthy, cutthroat individuals who will stop at nothing to get a story. Gene Goodwin and Ron F. Smith in, “Groping for Ethics in Journalism,” claim that journalists once were portrayed as “fun-loving, blue-collar, salt-of-the-earth types, but today the image has changed. The wise-cracking of earlier reporters has become arrogance, and reporters who had been shown as the working-class enemies of pretension are now seen as pretentious themselves.” These authors even cited a poll published by the Los Angeles Times that found less than one-fourth of the public believed journalists were ethical.

Goodwin and Smith discuss how editors have grown wary of the use of anonymous sources. They claim editors worry that readers will not trust stories with unnamed sources, citing a study where “pollsters asked the readers directly if they approved of the use of anonymous sources, more than half said no.” This reasoning is more than likely why the New

---

14 Ibid
York Times published an article in 2005 that said the use of anonymous sources by U.S. newspapers had significantly decreased:

“In a detailed study of hundreds of articles from 16 newspapers of varying size across the country, just 7 percent of them in 2004 used anonymous sources, according to the Project for Excellence in Journalism, a research group. In 2003, the project found that 29 percent of all newspaper articles contained at least one anonymous source. The report found that the bigger the newspaper, the more likely it was to rely on anonymous sources. Big papers used such sources in 12 percent of their articles in 2004, while small papers used them in 3 percent.”\(^{15}\)

A similar 2005 Poynter Institute for Media Studies study stated “a recent survey of 419 media outlets found that most allow reporters to protect a source's identity in at least some cases. But nearly one-quarter of editors said they’ve banned the practice entirely.”\(^{16}\)

Even small-circulation papers address the use of anonymous sources.

The Bowling Green Daily News uses an overall policy to not use anonymous sources. Mike Alexieff, managing editor, said there could be a good reason to use anonymous sources but he has not yet found it in his eight years at the Daily News. He also said that Daily News reporters do not check a source’s identification so they more or less take the word of their sources.\(^{17}\) The Louisville Courier-Journal has a similar policy, but it even goes so far to avoid wire stories that use anonymous sources. First Amendment editor Jean Porter said, “It’s a credibility issue.”\(^{18}\)

Porter said the use of an anonymous source requires the approval of the executive editor. For illegal immigrants, Porter said the same principles apply. The Courier-Journal would not run a story without naming sources.\(^{19}\)

\(^{17}\) Alexieff, Mike. "Daily News." Telephone interview. 15 Apr. 2009.
Western Kentucky University Professor Mac McKerral, who worked as a correspondent for People magazine, said that the magazine requires reporters to verify the identity of all sources through a driver’s license or some other official means of identification.\(^\text{20}\)

There is no doubt that unethical reporting in recent years caused such strict rules on the use of anonymous sources.

In 2003, Jayson Blair, a reporter for the New York Times, admitted that he made up quotes, stole quotes from other reporter’s work and invented details in more than 35 articles. The New York Times said Blair created an “embarrassment of plagiarism and fiction.”\(^\text{21}\)

Before Blair, Stephen Glass, a writer for The New Republic, falsified his share of articles. In an interview with 60 Minutes, Glass admitted to creating sources, organizations, websites and even entire articles. He used fake notes, voicemails and faxes to sell his creations to his editors.\(^\text{22}\) In 1981, The Washington Post was forced to return a Pulitzer Prize after reporter Janet Cooke invented a story about an 8-year-old heroin addict named Jimmy.

And after Blair, Jack Kelley with USA Today came forward and admitted he fabricated a source in a 1999 article. “Kelley reported that he had examined a Yugoslavian army notebook containing ‘a direct order to a lieutenant to 'cleanse' the village of Cusk’ in Kosovo. Kelley wrote that ‘U.N. war crimes investigators’ had described the notebook as ‘the strongest and most direct evidence linking the government of Yugoslav President Slobodan Milosevic to 'ethnic cleansing' in Kosovo.’”\(^\text{23}\) Kelly even had a friend call his editor, claiming to be the translator that helped him read the notebook. Kelly later admitted the translator and notebook did not exist.

\(^{20}\) McKerral, Mac. "McKerral." Personal interview. 01 May 2009.
After the Blair incident, a Gallup Poll found in 2003 “that 62 percent of Americans believed news organizations are often inaccurate in their reporting. Just 36 percent believe media outlets ‘get the facts straight.’” 24 This was a significant change since Gallup last asked this question in 1985 when Americans felt 55 percent of Americans felt new reports were accurate and only 34 percent felt reporters were inaccurate. In a 2006 Gallup Poll of the most trustworthy professions, journalists ranked closer to lawyers and governors with scores in the teens and 20s rather than doctors and nurses with scores in the 70s and 80s. Of the 101 people questioned in this Gallup poll, 73 people said journalists were average or below average in regards to their honesty and ethical. 25

Ethics Codes

So, do journalists have an ethics code? Do they have professional standards or a measure of them?

Medical doctors, lawyers, accountants, nurses, beauticians and plumbers must pass tests or licensing standards set by a governing board. The fact these professionals meet these requirements gives them credibility and allows others to trust them.

Italian journalists must pass a rigorous exam to become licensed, which includes writing a story, and passing a written and oral exam.

Do U.S. journalists have anything similar?

Journalism in the United States is not a governmentally sanctioned. As outlined in the First Amendment, Americans have a freedom of speech and of the press. Because of this amendment, journalists cannot be licensed.


But U.S. journalists do have codes of ethics.

The professional journalism organization Sigma Delta Chi was created in 1912 and later renamed the Society of Professional Journalists (SPJ) in 1987. This group has a code of ethics but according to its Web site:

“The SPJ Code of Ethics is voluntarily embraced by thousands of journalists, regardless of place or platform, and is widely used in newsrooms and classrooms as a guide for ethical behavior. The code is intended not as a set of "rules" but as a resource for ethical decision-making. It is not — nor can it be under the First Amendment — legally enforceable.”

These guidelines, which include four main principles— seek truth and report it, minimize harm, act independently and be accountable— are identified as “resources” in order to avoid governmental intervention. Doctors must have licenses. The licenses might be taken away if a doctor were to break his/her code of ethics. If licensing were applied to journalism, its function as a watchdog would be marginalized. Licensing is something journalists have been fighting for centuries.

Journalists must then act on best judgment, using the SPJ Code of Ethics as a guide.

With regard to use of anonymous sources, the SPJ code states:

“Identify sources whenever feasible. The public is entitled to as much information as possible on sources’ reliability. Always question sources’ motives before promising anonymity. Clarify conditions attached to any promise made in exchange for information. Keep promises.”

Here the code cautions journalists against anonymous sources who may give inaccurate or self-serving information if promised anonymity. But some journalists say granting anonymity leads to lazy reporting, journalists unwilling to find sources willing to speak on the record. Some worry about the likelihood that reporters could fabricate information and pass off as fact a statement from an anonymous source.

27 Ibid
But as journalists say, there are two sides — or more — to a story.

Some journalists argue that anonymous sources provide a necessary tool. These reporters believe that without promising anonymity there is no other way to tell the story. These journalists cite the famous series of Watergate stories by Washington Post reporters Robert Woodward and Carl Bernstein. The two reporters used information from an anonymous source they called “Deep Throat” to break the story of the Watergate scandal that eventually led to the resignation of President Richard M. Nixon.

But as the SPJ clearly states, its code is embraced not enforced.

What about other codes? The Associated Press, or AP, dedicates a large section of its news values to anonymous sources. Its code requires reporters to get approval from their editors before using anonymous sources. The reporter must run his or her byline and must explain within the story why the source requested anonymity.28

Under AP's rules, material from anonymous sources may be used only if:

“The material is information and not opinion or speculation, and is vital to the news report. The information is not available except under the conditions of anonymity imposed by the source. The source is reliable, and in a position to have accurate information.”29

National Public Radio, or NPR, states in its code of ethics that it is up to the editor to allow the use of anonymous sources. Its code states that the editor must first determine whether anonymity should be granted and whether the person speaking anonymously is trustworthy. The NPR code of ethics also states that pseudonyms should not be used.30

What about blogs?

---

29 Ibid
McKerral said no one has truly defined a journalist, and that predictably, part of the problem with the crafting a federal shield law has been defining who a journalist is. McKerral said longstanding opposition to a federal shield law among journalists has been that it would require defining “journalist,” and many journalists think that is a big step toward licensing.\(^{31}\)

Some say a journalist is anyone who dispenses news. Cyberjournalist.net admits that not all bloggers are journalists, so the only ethical standard they should follow is the law. But its Web site states that because some bloggers are journalists they have created a bloggers code of ethics. Its code covers minimizing harm and taking into account inexperienced sources, but it does not specifically state anything about anonymous sources.

Regardless, all journalism codes take a Socratic approach. Rather than formatting codes in a “Ten Commandments” style — “Thou shall not use anonymous sources.” — the codes say identify sources whenever possible. This allows the journalist to make an informed, ethical decision depending on the situation. If a Socratic approach were not taken, journalism would be black and white. But journalists cover a lot of gray areas, such as illegal immigration, and a Socratic code allows leniency when warranted.

**Case Studies**

This paper focuses on two cases of reporters naming illegal immigrants and the repercussions of their decisions.

Ginnie Graham, a reporter for the Tulsa World, wrote a story about a Tulsa tax service for legal and illegal immigrants in 2005. In her story, Graham featured Gloria Rubio, an illegal immigrant. Rubio, the mother of three children, and her husband were upstanding citizens of

\(^{31}\) McKerral, Mac. "McKerral." Personal interview. 01 May 2009.
Tulsa, Oklahoma. They were both active in their children’s parenting organizations, volunteered at church and at a drug awareness program. Both paid their taxes and even spoke to groups of illegal immigrants about the importance of paying taxes. One month after the article ran, U.S. Immigration and Customs Enforcement, previously called Immigration and Naturalization Service, arrested Rubio and began deportation proceedings.\(^{32}\)

In 1998, the Raleigh, North Carolina News & Observer published an article written by Gigi Anders called “Heart without at home.” The article ran on two full pages and detailed the life of Julio Granados, an illegal immigrant from Mexico. Anders wrote a profile on Granados’ life in the U.S.—his home, his job, his friends, his religion and the memories he left in Mexico. Two weeks after the story ran the News & Observer discovered that Immigration and Naturalization Service arrested Granados and five of his co-workers. Agents of the Charlotte office were sent copies of the article and chose to begin deportation proceedings. INS claimed they arrested Granados and his co-workers because of the details Granados gave in his interview about his smuggling across the border. INS agent Scott Sherill said, “It implies in there that he eluded arrest by the Border patrol by running after he was smuggled across the border. That makes it a little more of a serious violation.”\(^{33}\)

Anders told the American Journalism Review that she informed Granados that his full name and photo would run in the paper and when he asked if he might be deported because of the publication she answered “yes.” According to Anders he agreed, despite the risks. Regardless, the citizens of Raleigh were outraged, especially the Hispanic community. The paper was flooded with letters to the editor. They claimed the reporter and the paper were irresponsible and directly caused the arrest. One concerned citizen even suggested the story


“could have been written equally forcefully without showing Granados’ face or revealing his name and place of employment.”

The suggestion by this reader directly contradicts surveys published by the New York Times and Poynter Institute that claimed readers preferred full disclosure of source identities. Regardless of this contradiction, the repercussions Granados and Rubio faced are a growing concern for journalists who report on illegal immigration.

Conclusion

Today’s journalism is evolving into an entirely new role. The Free Flow of Information Act will include the first federal shield law, which could prevent courts from forcing journalists to name secret sources. Fewer journalists reach their audience from the inky pages of newspaper, but instead inform their readers from computer screens across the country. Sometimes those readers find their news from outlets other than news organizations, such as blogs. American audiences read more about subjects such as illegal immigration, which constantly require journalists to re-evaluate their ethical approaches to their work. And journalists who failed to choose ethical approaches have tarnished journalism, causing the use of anonymous sources to become questionable by both editors and audiences.

But with this journalistic revolution, journalists have learned balance, specifically in regards to using anonymous sources. They have learned that if a journalist reports all truths regardless of consequence, harm will come to someone involved. But at the other end of the spectrum, a journalist cannot concern himself or herself with minimizing harm completely or truths will go unreported. For this reason, codes have been created. These codes, however, are Socratic in their approach and allow journalists the freedom to form their own ethical decisions.

34 Ibid
One thing that remains steadfast amidst all of this change is the foundation on which journalism was built— the First Amendment. Nothing can change the freedoms of speech and press or the determined journalists that uphold those freedoms with each story and interview.


McKerral, Mac. "McKerral." Personal interview. 01 May 2009.


Works Cited


PERSONAL ESSAY

In writing my Capstone Experience I knew I wanted to combine three things: my two majors in News/Editorial Journalism and Spanish, and my love of other cultures. Somehow these three passions melted into *Los Inmigrantes: In-Depth Reporting and Anonymous Source Analysis*.

I recently read “Bluegrass: A True Story of Murder in Kentucky” by William Van Meter, a Western Kentucky University alum. In this book, he chronicles the rape and murder of WKU student Katie Autry. In Chapter 3, Van Meter describes the growing international climate of Bowling Green. He notes that Bowling Green, a population of approximately 54,000 people and home to so many college students, was ranked No. 14 in Forbes’ “Best Small Places for Business” and was chosen one of the “50 Best Place to Live and Play” in National Geographic.

Van Meter wrote:

“For generations, Bowling Green was a town of black and white. The occasional minorities moved in, but they hardly registered a blip in the census. This changed in the 1990s when Bowling Green became a major hub for immigrants. Work was plentiful, Western’s international draw was increasing, and the fledging Refugee Center (now called the International Center) eagerly sought new settlers. The town now had a Little Mexico, complete with churches, markets, and ramshackle bodegas and nightclubs. A wide array of languages could be heard in the aisles of supermarkets and pharmacies; just a few years before, the sound of a foreign tongue would have turned heads and elicited stares…Large families of immigrants could now be seen walking across busy highways, a caravan in native dress carrying Wal-Mart shopping bags as speeding pickups zoomed past.”

This description gave me the idea of working with our local immigrant population, something I didn’t know at the time would be so rewarding.

I began brainstorming and wanted to chronicle the life of one illegal immigrant. Through that person, I wanted to identify the struggles faced by immigrants without legal documentation.

I began field research with the help of Elio Pajares, a classmate and fellow journalist. Elio is

---

majoring in photojournalism and contributed all images for this project. He also is a native of
Peru and aided in translation. Although I have majored in Spanish and even studied abroad in
Madrid, Spain, for one semester, I very much needed the help with translation.

I soon discovered that this story was much larger than one immigrant. Instead of a single
focus, I began to follow several immigrants, deciding each could highlight one struggle of
illegal immigration. And this is where my Capstone Experience took shape.

In order to format my project, I chose to use several writing approaches. Because these
stories encompass complex issues, often-illegal immigration status, I thought it was best to
organize my interviews into different types of stories. This allowed me to explore different
methods of writing. In my four years as a journalism student at WKU, I have always preferred
depth writing rather than deadline writing. This difference between the two is the time available
to write the story. For my thesis I had an ample amount of time to dedicate to these stories.

This Capstone Experience follows the lives of immigrants without legal documentation
to be in the United States and reports on their day-to-day struggles as a result of their illegal
status. It is important to note that these sources are identified with only a first name and even
more important to discuss the reasoning behind this decision.

I did not want to harm my sources in any way through my reporting. I simply wanted to
tell their stories. Because of research I conducted on the reporting of illegal immigrants, I knew
that printing full names put my sources at risk.

The main objective in this project was to balance the need to seek truth and report it, and
to minimize harm. If a journalist reports all truths regardless of consequence, harm will come to
someone involved. But at the other end of the spectrum, journalists cannot concern themselves
with avoiding harm completely or truths go unreported. It was important to find a balance
between the two for this Capstone Experience.
However, the names of sources in this Capstone Experience were not granted anonymity because of any request by the source. In fact, all immigrants, either legal or illegal, were asked about the use of their full name and most gave full approval. I chose to only use first names. As previously noted, journalists and editors make the decisions on ethical issues. For this project, I considered the following tenets of the Society of Professional Journalists’ Code of Ethics:

1. Tell the story of the diversity and magnitude of the human experience boldly, even when it is unpopular to do so.
2. Give voice to the voiceless; official and unofficial sources of information can be equally valid.
3. Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance.
4. Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children and inexperienced sources or subjects.

For this project, it was important to share the stories of immigrants that are often overlooked but just as important to ensure they were not harmed by publishing their full name in connection to their illegal status in this country.

These sources are referred to by first name only and no reference is made to their address. However, journalists must verify information that sources provide in order to report the “truth.”

I spent significant time collecting public records from the Warren County Justice Center and the Bowling Green Police Department. Some documents used for this project are included in appendices but last names have been redacted.

My not only taught me so much about immigration and the topics I have covered, but also, my reporting has forced me to address my own ethics as a journalist. I am better prepared to enter my field of work because of the work done in this Capstone Experience/Thesis.
AN ILLEGAL IMMIGRANT’S JOURNEY

Nearly five years ago, a handful of El Salvadorian men began a perilous 1,600-mile journey on foot. They left behind their families and culture in search of better work and more money in the land of opportunity.

The journey took 24 days. One of the men, Alex, then 25, was trained in tile and ceramics and hoped to join a friend at a factory job in Bowling Green.

With only the clothes on their backs, a wad of cash in their pockets and one bottle of water to share, Alex and his amigos crossed Guatemala and Mexico. Along the way, they sought churches or shelters—anything to get off the street. When times were tough, they paid smugglers, or “coyotes,” for a bed. These smugglers deal in humans, not drugs.

Weeks into the journey, Alex and his friends finally reached the Mexican-American border, the most dangerous terrain they crossed. With the increased border patrol after Sept. 11, 2001, crossing the “frontera” means risking jail or even life.

“Only two of us made it,” Alex said in broken English.

Even though three of his closest friends were arrested, Alex pressed on. He spent seven days in the desert, choosing a little-traveled path into the U.S.

“It was scary,” he said. “There are many animals—coyote, snakes, flies, mosquitoes. And is cold in the night.”

Alex, now 31, is one of the lucky ones. He made the journey for $2,500. The $4,000 his brother-in-law paid or the $7,000 he said it costs now makes his payment sound like a bargain.

But more important, Alex survived.

Around the same time in 2003, Guillermo Cabrera and his brother made a similar journey from Veracruz, Mexico. The two brothers and nearly 100 others came across the border in a freight trailer, Peter Laufer writes in his book, “Wetback Nation.” Nineteen died of heat
stroke and dehydration, including Cabrera’s brother, in what is known as the most deadly case of human smuggling in American history. Because of his trauma, Cabrera was granted legal papers in order to stay in the U.S. He now lives just a few miles outside of Bowling Green.

A Pew Hispanic Center study estimates there are 8.3 million illegal immigrants in the United States. The study said 76 percent of these immigrants are Hispanic.

Alex faces daily challenges as an illegal immigrant in his new life. He cannot obtain a driver’s license, making each day he drives a risk for arrest. No driver’s license means no bank account. Alex pays friends a few bucks to cash his paychecks.

Finding a place to live also proved difficult for Alex. Many landlords do not want to rent to immigrants for fear that they cannot pay rent. If they can find rental property, they will live there without utilities. Turning on gas, electricity or water requires a driver’s license. Alex’s landlord lists utilities in his name and tacks the extra charges onto Alex’s each monthly rent.

Recently, Alex realized the importance of medical insurance, a luxury his illegal status does not allow.

Alex’s wife, who recently joined her husband in Bowling Green, cut off a finger in an accident at the factory where she works. She went to Louisville, Ky., for an emergency re-attachment. Workman’s compensation paid for the surgery, but Alex wonders what might happen when a non-work related injury occurs. He said a friend required an emergency tonsillectomy last year. The surgery lasted 75 minutes and cost his friend $2,500. Without medical insurance, this friend was not allowed to stay for recuperation.

But the risks are worth it to Alex.

In the U.S., he makes $8 an hour— a substantial raise from the $5 a day he made in El Salvador.
Dr. David Coffey, director of Educational Enhancement Programs at Western Kentucky University, serves as an advocate for undocumented immigrants and has made it a goal to help mend relationships between undocumented workers and Americans who hire them. He also rents to immigrants and pays some, like Alex, for odd jobs around the house.

“My attitude towards human beings is they’re all equal,” he said.

According to the Pew Hispanic Center study, illegal immigrants make more than 5 percent of the national workforce. Coffey said without their presence in the labor force Bowling Green and other factory towns would shut down. But towns need not worry—undocumented immigrants are not going anywhere. Because of heightened border patrols, “we are forcing them to stay here,” Coffey said. “They would love to go home and see their families, see their wives and children, their parents.”

But they fear the consequences.

Coffey said crossing the border illegally is not the only way for immigrants to get to the U.S. Though the process is more difficult, immigrants have the option of applying for legal documents that would allow them to travel to the United States and work for a limited time. After the contract ends, they could return home for a few months and then re-apply for another work visa.

The only problem is money, Coffey said. In order to get a work visa for the U.S., they must prove they have $15,000 in the bank, he said.

“If they could do that, then they wouldn’t need to come here.”

Even if immigrants did here legally with a work visa to work in agriculture, Coffey said, not all farmers are willing to pay almost $15,000 to legally hire them.

“It’s so much easier to go downtown and grab some guys off the corner,” Coffey said.

“They will work for one-tenth of the cost.”
Alex is weary of these “robos,” or robbers, who often promise good wages, food and shelter but don’t provide it once the work is done.

Despite the risks, he said, he will remain in the U.S. illegally for one reason— money.

“‘I send $400 home a month for school, clothing, food,’ Alex said. His parents and 10-year-old son still live in El Salvador and depend on Alex’s wages. ‘My money is for them, not for me.’

Immigrations and Customs Enforcement, or ICE, removed 356,739 illegal immigrants from the United States in 2008.
A FARMER’S PLIGHT

Each Sunday the smell of a country breakfast greets the Elliott children as they enter their parents’ farmhouse in east Daviess County. The three children and their spouses, four grandchildren and two dogs gather around the table. Joe and Mary Sue Elliott, both 68, bring heaping piles of scrambled eggs, bacon, sausage and pancakes to their $40 thrift store table. For the next couple of hours the family will sit in 12 mismatched chairs and talk about the past week.

Just a stone’s throw away, on the other side of the farm, another family of 12 enjoys a relaxing Sunday. They too sit in 12 mismatched chairs, eating breakfast around an identical $40 thrift store table. The main difference: this family is Mexican.

Joe Elliott, like many other farmers in the county, has hired the 12 from Mexico to help harvest his crops.

Elliott has farmed his whole life. In fact, he quit school in the sixth grade to begin full-time work on his family’s farm.

“Work came before school back then, but I wouldn’t change it at all,” he said.

He has seen a gradual change in the business over the last few years. Hard workers are becoming more difficult to find. “Whities,” as Elliott calls them, do not work as hard as his migrant workers over the last 14 years.

“They will work 10 hours days, seven days a week if I let them.”

Every January, Elliott files an H-2A application with the U.S. Citizenship and Immigration Services. After paying nearly $3,000 for 12 men, Elliot places an ad in his local newspaper for two weeks. This proves that there is no local, American demand for the work. This 2x3 inch add costs Elliott almost $500. After USCIS finds the number of men requested, these workers must meet with a recruiter who conducts a background check. If they pass this
step, they will then get on a bus to the United States at the expense of the employer—more than $200 each.

Once the group of men arrives in Kentucky, the government requires Elliott to provide free housing, meals or access to cooking, and to pay them a state-determined wage. Kentucky requires $9.13 per hour. H-2A is an employer-tied program, meaning the workers cannot leave. If one were to do anything against H-2A or state law, the worker would be immediately deported and placed on a 10-year waiting list to return.

Although Elliott finds it difficult to match the profits from his farm to the expenses of his seasonal workers, he says he will continue to hire them.

“Our society is less hardworking,” Elliott says. “We stop working at 4:00 every Friday. We all got spoiled.”

Just Another Saturday

Every Saturday morning Joe Elliott sits outside of the Owensboro St. Vincent De Paul Thrift Store drinking his coffee, always black, and reading the paper. The window of his white 15-passenger van is rolled down and his arm, weathered by sun and hard work, hangs over the dirt-covered door. Though the old watch on his wrist ticks away, Elliott, 68, remains patient, waiting for his 11 Mexican migrant workers to return with the day’s purchases. He has 12 contracted to work on his farm, but one stayed home to tend to the corn.

Soon they appear, carrying bags of baby clothes and bundles of coats. The clothes will be sent home to families left behind, but the coats will be worn in upcoming months. Kentucky is much colder than Mexico. Eight of the men pile into the van. The remaining three ride with Elliott’s wife, Mary Sue, who drives a family van. Then the Elliott caravan continues down Frederica Street, Owensboro’s main drag, stopping at most of the stores along the way.

“We’ve got to give up a lot,” Joe says. “But it’s fine. They treat us right.”
At K-Mart, Joe and Mary Sue run into an old friend.

“What are you doing here?”

“Here with our workers.”

“How many you got?”

“Twelve.”

“Can you take one more?”

“Well at least you speak English.”

None of Joe’s workers speak English. Between the two of them, Joe and Mary Sue only know five Spanish words: hola, adiós, vamonos, arriba, and loco. They cannot pronounce many of their workers’ names; instead they give them English names or nicknames. Jesús becomes Jesse and Alejandro becomes Alex. One is simply known as the “Wild One.”

Once the group reaches Target, Joe, a diabetic, must stop for a sugar break. As he enters the store with 11 Mexican men, people’s eyes turn.

“Sometimes we get the damndest looks and some of the damndest comments,” he said.

But Joe shrugs it off.

He sits down at the café and drinks a soda. Dressed in a worn-out plaid shirt and dusty, navy blue pants, Joe looks like a farmer. His hat, embroidered with a red tractor, covers his unkempt, white hair. The crescent moons of his nails are dark with dirt. His face is red and weather-beaten. He stands out in the busy consumer crowd too.

Next stop: Best Buy, located next door. Some of his men want to buy a laptop. The looks the group received at Target do not compare to the watchful eyes of the sales associates here.

Aaron Ramos of Santiago Nazarene, Mexico, has been here since March. He left behind a family and a failing cab service. As a temporary worker for Joe, he is making enough money
to buy things to take home to his family. Like the others, Ramos’ work visa lasts until December. Today he will buy another laptop for his sister, a teacher. This is the second one he has bought for her to donate to her school.

Jesús Martinez wants to buy a laptop for his cousin, an architecture student in Mexico. He has been eyeing the computer for weeks, waiting until earned enough money. But with a 14-year-old daughter at home, Martinez watches his spending. He knows the girl’s quincinera, her 15th birthday, will cost him.

After a few more stops, the group finally ends for lunch at Ryan’s—Joe’s treat. He always buys them a meal after the 90 acres of tobacco has been cut. On Monday they will continue the process and begin to pack the tobacco into bails. By December, the twelve men will pack 500 bales, weighing 550 pounds each.

Although these men are the reason Joe’s 2,000-acre farm is a success, it seems as though they mean more.

“We’re really a family,” Elliott said. “We treat them like family. They treat us like family.”
The smell of authentic Mexican soup bubbles from a pot on the stove. After tending to it all day, Justina spoons a generous amount into a blue container. She then begins to assemble a picnic of sorts: the soup, four disposable bowls, a stack of napkins, four silver spoons and four bottles of Gatorade. Once the picnic is packed into a Wal-Mart bag, Justina gathers three Easter baskets full of sugary goodies and loads it into her red pickup truck.

Justina, 29, cautiously winds her way through the streets of Bowling Green’s “Little Mexico,” an area of town with a large Latino population. She is an illegal immigrant and cannot afford a traffic stop. Soon Justina finds herself behind a large yellow school bus. Smiling Latino children jump off the bus and run to the arms of nearby parents. But Justina has not seen or held her children, Reyna, Alex and Daisy, for two weeks.

“The truth is, I don’t know where they are,” Justina said. “The family that has them brings them to a park or an office, and I can see them for an hour and a half two times a month.”

Justina is just one of many mothers in the state of Kentucky fighting to regain custody of her children. According to the Cabinet for Health and Family Services, known as CHFS, the state agency responsible for the protection of abused, neglected or dependent children, 7,166 children are in foster care in Kentucky. Of these, 343 children, or 4.7 percent, are Hispanic. Hispanics in Kentucky represent only 1.5 percent of the total population.

According to the National Foster Care Coalition, minorities make up a disproportionate amount of children in foster care in the United States. Hispanics make up 18 percent of children in foster care but only account for 17 percent of the general population. This compares to white children who represent 41 percent of those in foster care and 61 percent of the general population. The NFCC said these children are likely to stay in foster care longer and less likely to be reunified with parents.
Although CHFS’s stated goal is to reunify families, immigration status and the inability to speak English make this process more difficult for illegal immigrants like Justina. Justina was about to get another lesson in just how difficult it could be.

On the day of her scheduled visit with her children, Justina arrived at Roland Bland Park. She gathered the gifts and the food from the back of the truck and arranged it around a table. As she sets four places, a van parked nearby. Three children bounced around the backseat, waiting to see their mother. But the van doors never opened.

Nearly 10 minutes later, social worker Mark Smith arrived. He sent an interpreter to order Justina to go to the social services office. Smith then yelled at a reporter and photographer who accompanied Justina to the park that day. Justina had invited the two journalists, who were documenting her struggles as an immigrant. Smith later said that due to confidentiality rules, the journalists could not be present for the children’s visits with their mother.

Justina didn’t get to play with her children in the park that day. She visited them behind a locked door at the office and went home sad. It was just one more frustrating day in Justina’s battle to get her children back.

Justina said police officers and social workers still have not adequately explained to her why her children were removed from her home or how to get them back.

She came to the United States nearly a decade ago to escape an abusive father and worse poverty than she knows now. Since then, she has struggled to find a job. She worked in a grocery store until she was fired because of her illegal status. The only steady work she can find is in tobacco fields, but this only provides work through summers. Sharing the rent for a small apartment with friends helped save money.

When she met her boyfriend, the father of two of her children, she relied heavily on him, both financially and emotionally. When he left her, she turned to alcohol.
“I don’t know why I started drinking,” said Justina, who, like all illegal immigrants in this story, is referenced by her first name only. “I was suffering and my friends said it would help the pain.”

Justina did not know this would eventually lead to more heartbreak.

Sign these papers

On February 12, 2007, the Bowling Green Police responded to a call from Justina’s neighbor claiming she was hitting her oldest child, Reyna, with a belt. Reports later state that alcohol played a significant role in this incident.

According to Justina, two police officers and two social workers arrived and immediately began asking questions. Justina said no interpreter was present. According to the police report, a friend was used to interpret.

“Are you the mother of these children?”

“Sí.”

“Did you hit her?”

“Sí.”

Justina, who speaks only Spanish, now says she didn’t understand what happened. Police made her sign papers in English that she couldn’t comprehend. “They didn’t tell me anything else except, ‘Sign these papers,’” Justina said. “I signed and they took my three children, and they took me to jail.”

Bowling Green Police Department policy gives responding officers the choice of whether or not to request an interpreter, International Communities Liaison Officer Monica Woods said. Officers have the option to call a language line to assist with interpretation, but translation services have not been extended to documents, she said.
Social workers from CHFS documented substantial bruising to Reyna’s face, eye and forehead. According to an emergency custody order filed the same day, “When questioned, Reyna stated that ‘Mommy did it.’” The report further states that Justina admitted to the abuse. She was arrested and the children were placed into foster care.

Justina’s arrest alerted authorities to her illegal immigration status. Officer Barry Pruitt, public information officer for the Police Department, said the jail is required to report all inmates without a Social Security number to Immigration and Customs Enforcement, or ICE, the federal immigration agency. Justina, being an illegal immigrant, has no Social Security number.

Justina spent nine days in the Warren County Jail before ICE moved her to the McHenry County Jail outside of Chicago to await deportation proceedings. During her five months in custody there, she was not allowed to see or communicate with her children. Officials asked her to sign a deportation order, written in English, stating she understood she was illegal and wished to be deported. Justina complied, not understanding what the order said.

On March 9, 2007, federal officials ordered that Justina be deported from the country and returned to Mexico.

It was not until a representative of the National Immigrant Justice Center of Chicago visited the McHenry County Jail that Justina learned she had signed a deportation order. The legal center then helped Justina submit an affidavit stating she didn’t know what she had signed and asking that her case be re-opened in order to fight for custody of her three children. She was released from the McHenry County Jail five months later.

Nancy Oliver Roberts, a Bowling Green lawyer who now represents Justina, said her client should have been allowed to speak to and visit with her children.
“These children were born in the United States, and every American child has rights,” Roberts said. “One of those is a right to your parents.”

Justina was also deprived of her right of due process, Roberts said.

“Knowing what you are charged with and knowing how to go through the process to change it” is a minimum, she said. “There have been times that my client has not known what to do to rectify her situation.”

**Termination**

After Justina returned to Bowling Green in August 2007, CHFS gave her a strict set of “reunification goals” in order to regain custody of her children. The goals are set by a social worker and approved by a judge.

Justina was required to get counseling for mental health, domestic violence, substance abuse or alcohol abuse, and anger issues. She was also required to take classes for English as a second language and told to secure independent housing.

Social workers enrolled Justina into all of her required counseling classes. She began taking classes for English as a second language at the Bowling Green International Center.

By early October, Justina had completed half of her reunification goals. Social worker Mark Smith said in an Oct. 9, 2007, report that Justina was making great progress and he felt “there shouldn’t be any reason why the family cannot and should not be reunified” upon completion of domestic violence counseling and securing an independent home. At the time, she was attending weekly two-hour visitations in which she and the children played games and bonded.
When Smith filed his next report on March 6, 2008, Justina had completed all classes requested by the court and was using techniques she learned in her parenting class. The report also stated Justina had not used drugs or alcohol to the knowledge of the social worker.

For the entire year Justina was separated from her children, CHFS’s plan for the children was always “return to parent.”

But on July 7, 2008, the plan changed to adoption after a surprise visit by social worker Smith to Justina’s home.

In his report, Smith said Justina had not yet found a permanent residence and was living with a friend. When he visited the house he found the door to be unlocked, broken glass on the floor, beer cans scattered about the house, dirty dishes in the sink and the trash not taken out.

On Sept. 19, 2008, CHFS filed a motion to terminate Justina’s parental rights. Justina’s three children had been in foster care 19 months.

According to Jim Grace, assistant director of the Protection and Permanency division of CHFS, when a child has been in foster care 15 of the past 22 months, the court must review the goal of reunification with parents and consider recommending that the court terminate parental rights. But Justina did not know this until she hired Roberts, her attorney.

Judge Margaret Huddleston, a Warren County Family Court judge, cannot answer any questions about cases that might come before her bench. She can speak only to the court’s function and responsibility. Huddleston said she does not believe parental termination cases are “heavy-handed” on Hispanics. But she does believe there is a growing trend of Hispanic mothers appearing in child-abuse cases due to domestic violence perpetrated against the mother.

In a four-year span, Justina called the Bowling Green Police Department to report three different abuse incidents perpetrated by three different boyfriends. Justina blames the abuse and a self-admitted problem with alcohol for her custody battle.
“Sometimes that pattern is initially hard to break,” Roberts said of Justina’s multiple experiences with domestic violence. “But I think she has.”

Justina’s three children have been placed with an English-speaking foster family. Judge Huddleston said there are few foster parents in the area who speak languages other than English. As a result, native languages are rarely reinforced.

Roberts said Justina’s children have lost almost all of their Spanish culture and language and have had a difficult time adjusting.

“In an effort to make them safe, we have traumatized them too,” Roberts said.

**Should I hit him?**

Not far from Justina’s house in Little Mexico, another mother is also struggling to win her child back from the state’s custody.

Her name is Margarita, and she is also an illegal immigrant from Mexico who cannot speak English. But unlike Justina, Margarita, 48, has no idea how to get her child back. There is no reunification plan, no goal to work toward. Her daughter, Balvina, was taken away because the child was raped.

The crime that broke up Margarita’s family happened last April.

Margarita had taken roommates into her three-bedroom home in order to help pay the rent, as many immigrants do. Work had been hard to come by.

One of the roommates was a man named Rene. He was from the same small Mexican village as Margarita, and their families had known each other for decades.

In the darkness one night, Jesus, Margarita’s oldest son, saw a shadow move in his room. Jesus immediately turned on the light and discovered that Rene was in his sister’s bed. Both were naked.
“Balvina kept looking at me,” Jesus, now 15, said. “She was looking at me in a weird way. I was wondering, ‘What should I do? Should I hit him?’ I had things in my room that I could hit him with.”

Instead, Jesus ran to his mother’s room, giving Rene the opportunity to escape. Jesus then dialed 911.

According to the report of the first officer to the scene, Balvina was “lying in bed, motionless. Her pants and underwear were lying next to her in the bed.”

Balvina was transported by ambulance to The Medical Center, where nurses checked for signs of rape. Tests indicated Balvina, then 21 years old, was several weeks pregnant. Officers assumed other sexual assaults had taken place previously.

Thirty-three hours after Jesus dialed 911, the police located Rene and arrested him. He later pleaded guilty to two counts of third degree rape. A judge ordered him to serve five years in prison, and he must stay on the Kentucky Sex Offender Registry for 20 years.

Why had Balvina not reported the assaults earlier? Why had she not told her mother? Balvina is mute. Around the age of 11 or 12, she learned simple words in Spanish: madre, agua. But later in life her communications skills regressed, leaving her with gestures. Margarita said she was born with developmental problems.

According to a psychological examination performed two years earlier, Balvina had never been in school. She functioned poorly in all areas, including communication and social skills. She was determined to have the mental capacity of a 5-year-old.

After Balvina’s assault, CHFS began an investigation. The Warren County Family Court held an emergency hearing and determined that Balvina qualified as disabled. Social workers for Protection and Permanency also discovered that this was not the first assault.
Indefinite decision

Margarita had come to the United States in 1999 to pursue a better life for her family after her husband was stabbed to death on the way home from work. She settled in Gastonia, N.C., and got a job at a factory making plastic chairs. There she met a man named Juan, another immigrant from the same Mexican town. The two became friends and soon fell in love and had a child. Margarita sent for Jesus and Balvina, her other young children who were still living in Mexico.

But one night after work, Margarita said she came home to the police. Jesus had called 911 after finding Juan in bed with his sister, Balvina. Margarita could not believe someone she trusted would hurt her daughter. Juan was never caught, and Margarita later moved her family to Bowling Green, hoping he would never find them.

Although the family has never seen Juan again, what happened to Balvina keeps haunting them.

“I never thought this would happen in this country,” Margarita said. She left Mexico to provide a better life for her children.

State officials determined that Balvina could not stay at home. Social worker Shawndi Isable said in a court record, “At her mother’s admissions, this is not the first time or the first perpetrator. Remaining in the mother’s care places [Balvina] at imminent risk of additional harm.”

CHFS’s guardianship services took Balvina away and placed her with an adult guardian. She is allowed to see her family every two weeks.

“I cry a lot,” Margarita said. “I miss her. I think about her a lot. How is she? What condition is she in?”
CHFS officials denied requests to see or communicate with Balvina for this story. Karen Rector, a social worker familiar with Balvina’s case, said Balvina was removed from the home because of her mother’s neglect. Rector said this was an indefinite decision since the court had determined that Balvina was mentally disabled. The only way Balvina could return home is if the court determined she could make her own decisions, which Rector doubts will happen.

“Our goal is to protect, not necessarily to reunite,” Rector said.

Grace, the CHFS official, said once an individual turns 18, the age of legal majority in Kentucky, a parent no longer has custody of the child.

Margarita did not know, until interviewed for this story, that there is nothing she can do to get her child back.

A baby girl

Martha Deputy, founder of the Bowling Green International Center, has worked with immigrants and refugee resettlement for 27 years. Even though she is now retired, she still assists families informally.

When a friend told her about Margarita’s situation, she began researching ways for Margarita to regain custody of Balvina. Deputy doesn’t believe that Margarita could have prevented the assaults.

“In both cases it was someone that Margarita knew,” Deputy said, “and Margarita was sound asleep. I don’t see that she’s at fault at all. And yet her daughter was taken away from her. We’re at a stop gap as how to get this family reunited.”

It has been over one year since Balvina was attacked and separated from her family. Since then she has had her baby, a girl. But Margarita has never met her granddaughter.
Deputy has tried to find a lawyer to take the case but has had no luck. When she tries to contact social services herself, she said confidentiality rules prevent her from gaining access to any information.

“Confidentiality is good to a point, but if I call and ask ‘How is the baby?’ or ‘When can Margarita see the baby?’ and I can’t get anybody to talk to me— it just seems like it is taken to an extreme,” Deputy said. “We don’t even know where the baby is. Is the baby adopted? Why does this grandmother not have the right to see her grandchild?”

Deputy believes interactions and communications between Margarita and the foster parents have been misunderstood due to the language barrier. She has tried to contact CHFS and ask that an interpreter be provided to Margarita during her visits with her daughter and the foster parents, but her request was denied.

“I know social services wants to protect every child,” she said. “But this is a family torn apart. It is costing our system a lot of money.”

According to Grace, assistant director of the Protection and Permanency division of CHFS, a child in foster care costs taxpayers an average of $73.63 per day. With the average stay in foster care lasting 21 months, the state can potentially pay nearly $60,000 to care for each child. Grace said Kentucky spends $189 million annually on children in foster care.

Margarita wants to return to Mexico but said she will not leave without her daughter. She worries about Balvina losing her culture and the very few communication skills she does have.

“It is very difficult to communicate with her,” Margarita said. “What if the people taking care of her don’t understand her?”
She also worries about her son, Jesus, who has changed since his sister was taken away. He was removed from Bowling Green High School and placed into 11th Street Alternative High School for bad behavior.

Jesus admits he’s not really trying, which he attributes to his family being pulled apart.

“You know how the shooting stars go by in the sky … and they said you had a wish? My wish would be for my family to be happy,” Jesus said. “That’s like the only wish I would ever have in life.”
Justina’s Timeline

November 28, 1979 Justina was born in Mexico.

December 1999 Justina came to the United States.

November 1, 2002 Justina gave birth to her first child, Reyna.

March 3, 2003 The Bowling Green Police Department responded to a 911 call from Justina after her boyfriend, Felipe, allegedly assaulted her physically.

March 28, 2004 The Bowling Green Police Department responds to an assault call to The Medical Center. Her boyfriend, Alejandro, allegedly assaulted Justina. Pictures were documented.

September 1, 2004 Justina gave birth to her second child, Alex.

November 2, 2005 Justina gave birth to her third child, Daisy.

February 12, 2007 Justina arrested for child abuse and detained in the Warren County Jail. She admitted hitting her oldest child, Reyna, with a belt across the face and back. This same day all three children were placed in protective custody with the Kentucky Cabinet for Health and Family Services (CHFS) after Judge Margaret Huddleston motioned for an emergency removal.

February 13, 2007 Judge Huddleston appoints Attorney Thomas Blaha as children’s attorney. Attorney Leia Allen Knee was appointed attorney for Justina.

February 21, 2007 Justina was transferred to McHenry County (Ill.) Jail after Immigration and Custom Enforcement (ICE) began deportation proceedings.

March 9, 2007 Justina was officially ordered to be removed from the country and returned to Mexico by order of the U.S. Department of Justice, in concurrence with Immigration and Customs Enforcement of the Department of Homeland Security.
March 28, 2007 Justina, with the help of the National Immigrant Justice Center of Chicago, signed an affidavit stating she did not understand that she agreed to a deportation order and asked that her case be re-opened in order to fight for custody of her three children. She was released from the McHenry County Jail five months later. She returned to Bowling Green and began trying to get her children back.

July 16, 2007 Judge Huddleston finds that “reasonable efforts were made” to prevent the children’s removal from the home and that “there are not less restrictive alternatives to removal” of the children in that the mother needs to obtain stable housing and submit to drug and parenting classes.”

September 16, 2007 Justina calls police and reports alleged physical abuse perpetrated by her boyfriend Ezequiel.

October 8, 2007 CHFS reported in a periodic review of the three children that they were medically and educationally cared for in their foster homes. The report states the children were confused about having two mothers—biological and foster. The report also states that Justina must have assessments for mental health, domestic violence, substance abuse or alcohol abuse and anger issues and follow all recommendations. She was also referred to English as a second language classes and told to secure independent housing.

October 9, 2007 Social Worker Mark Smith takes Justina’s case. He reports the children are thriving in the care of their foster parents and that Justina attends weekly two-hour visitations. Smith states Justina is making great progress and “feels that there shouldn’t be any reason why the family cannot and should not be reunified” upon completion of domestic violence counseling and securing an independent home.

November 5, 2007 Justina filed an order of protection against Ezequiel Arcos. This order was later dropped.
January 7, 2008 Justina appeared in immigration court in Louisville and received a continuance in order to fight for custody of her children.

February 18, 2008 Permanency hearing held and plan determined as “return to parent” for all three children.

March 6, 2008 Second periodic review filed by CHFS. Evaluation states Justina has moved three times since last review. She has completed all classes requested by the court and was implementing parenting techniques as learned in required class. The report states Justina had not used drugs or alcohol to the knowledge of the social worker. Review also states all three children have become attached to their foster parents.

May 29, 2008 CHFS social worker Mark Smith completed a surprise home visit at Justina’s residence, a home she shares with a friend. Smith found the door to be unlocked, broken glass on the floor, beer cans scattered about the house, dirty dishes in the sink and the trash not taken out. This report also states alcohol “played a major role in her physically abusing Reyna and her children being placed in state foster care.”

July 7, 2008 Permanency plan goal changed to adoption. According to CHFS, if children have been in foster care more than 15 of the last 22 months, they must consider recommending that the court terminate parental rights.

August 19, 2008 Attorney Thomas Blaha appointed children’s guardian ad litem.

September 19, 2008 CHFS files a motion to terminate Justina’s parental rights.

October 14, 2008 Attorney Thomas Blaha, guardian ad litem for the children states he believe Justina consistently “fell short” of all goals of reunification set by Judge Huddleston, even though Justina has completed most of the required goals.

November 11, 2008 Attorney Nancy Oliver Roberts formally takes over Justina’s case.
January 27, 2009 Nancy Oliver Roberts requests that Justina’s visitations be increased. The motion is denied.

February 2, 2009 Permanency plan goal remains adoption.

February 16, 2009 Permanency trial date is set for June 4 and 5.

Justina is still fighting for custody of her children. She is still without work, but is living in a three-bedroom home with her fiancé. She regularly attends English classes and her language skills have improved. She hopes to regain custody of her children in June and will then appear in immigration court. Whether she is allowed to remain in the United States or forced to return to Mexico, Justina wants her children back.
Margarita’s Timeline

1961 Born in Santa Catarina, Juquila, Oaxaca, Mexico

1978 Margarita gave birth to her first child, Leticia

1980 Margarita had her second child, Patricia.

1982 Her third child, Maritza was born.

1984 Her first son, Victor was born.

1986 Margarita gave birth to Balvina, later found to be mute and mentally disabled.

1994 Margarita gave birth to her second son, Jesus.

1999 Margarita came to the United States after her husband, Sergio, was stabbed on his way home from work. He died instantly. Eight months after her arrival in Gastonia, N.C., Margarita sent for her two sons, Victor, then 15 years old, and Jesus, then 5 years old.

2002 Margarita gave birth to her seventh child, a daughter, named Betzabe’e or Betsy for short.

(The apostrophe was a mistake on the birth certificate but Margarita has never had it changed.) Besty’s father, Juan, is later accused of assaulting Balvina.

2003 Margarita paid a coyote to bring her youngest daughter in Mexico, Balvina, to the United States.

2004 Jesus called the Gastonia Police Department after seeing his mother’s boyfriend, Juan, molesting Balvina, then 17 years old. Juan escaped and was never caught. The family then moved to Springfield, Tenn. Victor, her oldest son, returned to Mexico.

2006 Robertson County (Tenn.) Schools administered a psycho-educational evaluation of Balvina. Report states Balvina “used to speak a few simple words (such as mother, water in Spanish) up until around the age of 11 or 12.” Since then, her language skills have regressed. Balvina can only use gestures to express herself.
2007 Margarita and her three children moved to Bowling Green, Ky., where they currently reside. The house they rent is shared by two other roommates: Leticia and Rene.

4:00 a.m. April 21, 2008 Balvina, then 21 years old, was sexually assaulted by Rene. Jesus discovered the roommate assaulting his older sister and called the police. Rene escaped.

9:41 a.m. April 21, 2008 Balvina was discharged from The Medical Center. A test discovered that she was pregnant.

12:59 p.m. April 22, 2008 Rene was found and arrested by the Bowling Green Police Department. He had been hiding at a friend’s house.

April 24, 2008 An emergency court hearing determined that Balvina was disabled. According to a court document, Balvina “was sexually assaulted. At her mother’s admission, this is not the first time or the first perpetrator. Remaining in the mother’s care places [Balvina] at imminent risk of additional harm. [Balvina] is also pregnant and needs appropriate medical care. She functions at a 5-year-old level.”

May 8, 2008 Balvina was appointed a guardian ad litem and was placed into adult guardianship services under the Kentucky Cabinet for Health and Family Services.

July 21, 2008 Rene pleaded guilty to two counts of third degree rape. Judge John R. Grise ruled each count to be served for five years, running concurrently, for a total sentence of five years. He was not granted probation and was required to stay on the Kentucky Sex Offender Registry for 20 years.

As of April 2009, Balvina is still living with her adult guardian. Her mother and two siblings still reside in Bowling Green, hoping to bring her home.
RESIDENTS UNINFORMED OF DIVERSITY

What do Bowling Green residents think of the city’s immigrant population?

An informal survey of 20 residents on an evening in May 2009 found that most respondents were aware of the city’s diverse population, but they were uninformed about how many immigrants were here or where they came from.

Every person interviewed said the city had a significant number of international residents. But when asked what percentage of the population immigrants represented, none gave an accurate number. Most guessed immigrants made up 20 to 50 percent of the Bowling Green population. One person guessed 10 percent. In actuality, 8 percent of Bowling Green’s population is foreign-born, according to 2005-2007 U.S. Census data.

When asked what country they thought immigrants came from, residents almost always said a Hispanic country. Of the 40 countries mentioned, 24 were Latin or South American countries. The most prevalent answer was Mexico with 14 responses. This correlates with the 4.4 percent Hispanic population of Bowling Green. The U.S. Census says the largest portion of the Bowling Green Hispanic population is from Mexico, accounting for 2.9 percent. The Census denotes the second largest source as “other” Hispanic or Latino countries.

All 20 people who were interviewed, including four immigrants, said immigrants need to learn English.

Bowling Green Mayor Elaine Walker agrees.

“I believe it is important for all immigrants to learn the native language of their adopted country,” Walker said. “That said, I am the granddaughter of Polish immigrants who came to the United States as teenagers. They moved into a town with a large Polish population and three of the four spoke broken English until their death.”

Walker said immigration and diversity are beneficial to the community.
“It provides a wide variety of perspectives, experiences and cultures,” Walker said. “It also carries with it challenges, such as integrating the immigrants into our population.”

“With our immigrant population, I believe the good far outweighs the bad.”

Don and Nancy Young, Bowling Green residents since the late 1940s, say international perspective is important. Providing a bed, breakfast and transportation, the Youngs housed a woman from Liberia in 1982 and a woman from Cambodia in 1997.

“[We’ve] been blessed,” Nancy Young said. “Maybe that’s why we do this.”

Nancy said the women she took in and all immigrants she has met through her years in Bowling Green have been the most appreciative people. She said they are thankful for what they have and what they are given.

“You learn a lot from mixing with them,” Young said. “A lot about the world and different kinds of people.”

But the Youngs said they have seen a drastic change in Bowling Green’s immigrant population.

“I think it’s time for me to die, it’s changed so much,” Nancy said jokingly. She and her husband said it is difficult to keep up with Bowling Green’s rapid growth.

From 1985 to 1989, 185 immigrants entered Bowling Green. This grew to 616 immigrants in the early 1990s, and by 2000 the foreign-born population grew to 2,178. The most recent Census data, estimates from 2005-2007, indicate the number of foreign-born residents is 4,420 or 8.3 percent of the population. With this influx came many immigrant-owned businesses and restaurants which have contributed to “a more urban feel and high quality of life,” Walker said.

Some Bowling Green residents disagree. In a letter to the editor to the Bowling Green Daily News in April 2006, one man asked members of his community why they were not mad
about the influx of illegal immigrants to the United States. He was outraged that Americans protested for the rights of illegal immigrants.

“It is a sad day when an illegal immigrant has more power over our nation than does its citizens,” he wrote. “It is time to close the door and weed the garden.”

The Daily News has reported several instances of hate crimes against immigrants. These include graffiti, a cross burning in the yard of a Hispanic family and cards left in driveways and near mailboxes by the Ku Klux Klan.

Other citizens take advantage of immigrants, said International Communities Liaison Officer Monica Woods of the Bowling Green Police Department. She said immigrants are often the targets of crimes, some violent.

“The "bad guys" become aware that immigrants often won't report crime that happens to them, so they become vulnerable to criminals,” Woods said. “Our efforts are daily to educate our immigrant residents, regardless of their immigration status, that they have a right to feel safe in their community.”

Angela Jones is an English professor at WKU and also serves as the secretary for the board of directors of the International Festival. The festival, which features dozens of booths representing many countries, is a one-day celebration in Bowling Green’s Circus Square Park. She said the festival celebrates the different nationalities of Bowling Green and increases awareness and acceptance of diversity.

Jones moved to Bowling Green from Kansas three years ago.

“I was happily surprised…to find such cultural diversity--even on my short street in my cookie-cutter subdivision, I have neighbors who are Bosnian, Chinese, and Vietnamese!”

“I think it's something like 30 different native languages that are spoken in the Bowling Green public schools,” Jones said. “Bowling Green is a progressive community.”
LOCAL HISPANIC CRIME RATE LOWER THAN U.S. AVERAGE

On a dreary day in March, Leticia, 30, received a tattered letter in the mail. She recognized the handwriting on the envelope as her brother’s and she breathed a sigh of relief. She broke the seal and slid out a thin piece of crinkled notebook paper and read 17 scribbled lines of Spanish. Though none of the faint graphite words were adios, they added up to goodbye.

“I’m all alone now,” Leticia said.

A single mother from a poor Guatemalan town, Leticia decided to come to the United States. She joined her older brother, Josue in Bowling Green, Ky.. He had left Guatemala nearly eight years earlier. Both are illegal immigrants. She, her brother and another family share the rent of a small, three-bedroom home in Bowling Green’s “Little Mexico,” an area predominantly inhabited by Latinos. Leticia makes money by picking tobacco during season and Josue works in roofing. The two make modest wages, but send almost $200 home each week to children they left with their mother. Leticia said what little they make in the United States is more than they would make in Guatemala.

Just days before Leticia received the letter, Josue was arrested by the Bowling Green Police Department. According to the Warren County Jail, Josue was taken into custody for public intoxication and resisting arrest on March 19.

Two days later he was released to the custody of Immigration and Customs Enforcement and immediately taken to Louisville, Ky., where he is awaiting an immigration court date in Chicago.

Officer Barry Pruitt, public information officer for the BGPD, said the jail is required to report all inmates without a Social Security number to ICE. Josue, being an illegal immigrant,
has no Social Security number. However, this was Josue’s third arrest for public intoxication in four months. It was not until his latest arrest in March that ICE stepped in.

When asked about Josue’s case, Jailer Jackie Strode could not explain why ICE did not pursue Josue upon his first arrest.

“To my knowledge, they respond to all of our calls,” Strode said.

ICE was unavailable for comment.

Josue is one immigrant in a growing national trend of Hispanic crime. A 2009 Pew Hispanic Center study found Latinos accounted for 40 percent of all sentenced federal offenders, more than triple their population share of 13 percent. A previous study in 1991 stated these offenses were drug-related but the current study identifies immigration as the main offense.

After his court date in Chicago, Josue will add to this statistic.

Pruitt claims Bowling Green does not fit this national trend. In a report from BGPD quantifying arrests by race and gender, Hispanics made up 0.8 of a percent of the 16,511 arrests recorded in the last 12 months.

“The ones we need to worry about are white males,” Pruitt said.

With nearly 8,000 arrests, white males made up 48 percent of arrests according to the report. The population of whites in Bowling Green is 78.5 percent according to 2005-2007 U.S. Census data. This compares with a 4.4 percent Hispanic population.

“To be honest,” Pruitt said, “I’ve got bigger fish to fry.”

Pruitt attributes Bowling Green’s low Latino crime rate to the lack of gang activity in the community. He believes larger cities, which have significantly higher gang-related crimes, are the largest contributing factor to the national trend.
“They are coming up here and they are working hard. They’re honest people. They are just wanting to make a better life for their family,” Pruitt said of the Latino immigrants in Bowling Green,

Monica Woods, International Communities Liaison Officer, is proud of the Bowling Green international community for breaking this trend. Woods said it positively on their population.

Woods, who also serves on the board of the Bowling Green International Center, works to build relationships between the Police Department and the international community.

“Anytime you have other cultures it only enriches our community,” Woods said. “It provides a global outlook and shows there is more to the world than just you.”

Woods said this idea is what she tries to help others see. Her job requires researching different cultures and passing this information and training on to other officers.

“When we are in uniform we’re the most visible form of government,” Woods said. “Police officers represent government in a visual sense.”

Woods and James Robinson, director of the International Center, say the uniform rarely represents safety to immigrants.

“They’ve never seen anyone in a uniform that has respected them or not hurt them,” Robinson said.

For this reason, officers are not the only ones who require training.

Robinson and the International Center work to arrange as many friendly encounters with police officers as possible for the immigrants they serve. The International Center offers a program called Preferred Communities where they provide cross-cultural training. They also host meet and greets where they invite immigrants and uniformed police officers to social gatherings. According to Robinson, this helps immigrants become comfortable with authority.
“They even bring the police car,” Robinson said.

With the International Center’s expected doubling this year of immigrant resettlement and a 29-percent national increase of Hispanics in the last seven years according to Pew Hispanic studies, the BGPD is trying to keep up.

“I’m very pleased our department is adamant to provide equal service, regardless of nationality,” Woods said.

She hopes programs like Preferred Communities will eventually lower crime. Woods said a higher trust among immigrants for the police will increase the likelihood of reporting crime. Woods said more reporting will eventually lead to a lower crime rate.

But services like those offered through the International Center and Police Department collaboration are not offered to illegal immigrants.

Although Josue has been in the United States for almost 10 years, he does not speak English. According to the report of the arresting officer, Josue was addressed in both Spanish and English but continued to resist arrest.

Leticia did not know how to help her brother until two days ago when another tattered envelope arrived in the mail. She opened the parcel to find a folded piece of yellow legal paper with the same handwriting, but this time instead of goodbye, her brother asked for help. He gave Leticia his alien identification number, assigned by ICE and asked her to contact the Guatemalan consulate to obtain his passport. He also asked that his sister buy minutes for his cell phone so that could make calls during his allotted time. Josue made one final plea to call their mother and his children.

“Tell them I am OK and may God bless them always,” he wrote.
When Justina could not find work in local factories or businesses, she began working in tobacco fields. She is the only female working in the fields, something she says she doesn’t mind.
Justina’s three children were taken from her over two years ago. She still keeps photos of them around her small three-bedroom home, but says they look a lot different now. She is most saddened that they have lost their Spanish language skills and Mexican culture.
Margarita lost her daughter, Balvina, to CHFS over a year ago. She is determined to get her daughter back but does not know how. According to Balvina’s case worker, there is no way for the mother and daughter to be reunited.
Jesus admits that he has lost interest in school and grades since his sister, Balvina, was taken by Kentucky’s adult guardianship services. His mother, Margarita, worries about his future and well-being.
Leticia came to the United States from Guatemala to live with her brother. Four months ago her brother was arrested and transported to Immigration and Customs Enforcement who began deportation proceedings. Despite being alone in this country, Leticia is learning English and is determined to remain here to earn money for her family who is still in Guatemala.
**COMMERCIAL VEHICLE** COMMUNITY OF KENTUCKY / JUVENILE OFFENDER

**HAZARDOUS COMMERCIAL VEHICLE** UNIFORM CITATION KSP 035 (REV. 7/13/14)

**AGENCY** BOWLING GREEN POLICE DEPARTMENT

**OHI** KY 1140100

**NAME (L-F-M)**

**ALIAS**

**ADDRESS** (RFD/STREET/APT. NO., ETC.)

**CITY:** Bowling Green

**STATE:** KY

**ZIP:** 42101

**ID. NUMBER**

**S.S. NUMBER**

**SEX**

**RACE**

**PLACE OF EMPLOYMENT/OCCUPATION**

**HEIGHT**

**WEIGHT**

**HAIR OR EYE**

**ETHNIC ORIGIN**

**MARITAL STATUS**

**VICTIMS RELATIONSHIP TO OFFENDER**

**VICTIM'S RACE**

**VICTIM'S ETHNIC ORIGIN**

**ALCOHOL OR DRUG INVOLVEMENT (SPECIFY)**

**VIOLATION DATE:** 05/12/07

**VIOLATION TIME:** 1257

**EXACT LOCATION OF VIOLATION:** 209 Woodford St # A

**DATE OF ARREST:** 02/12/07

**TIME OF ARREST:** 1355

**MILES FROM CITY LIMITS:**

**DIRECTION:** Bowling Green

**COUNTY OF VIOLATION:** Warren

**CHARGE(S):**

<table>
<thead>
<tr>
<th>VIOLATION CODE</th>
<th>ACT/STATUTE/30</th>
<th>CHARGED</th>
<th># FINED</th>
<th>FINE</th>
<th>COSTS</th>
<th>FEES</th>
<th>JAIL/PRISON</th>
<th>FINED</th>
</tr>
</thead>
<tbody>
<tr>
<td>00758</td>
<td>508.030</td>
<td>A 4th</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**POST-ARREST COMPLAINT**

1) Assault 4th degree (domestic violence minor injury)

2) Officers responded to above location to assist social services on a complaint of child abuse. Upon arrival, the victim (Reyes Torres 11-01-03)

3) was located. She had large lacerations and scratches above and below her

4) eye. Above, subjected the mother stated that she hit the child 3

5) times with a belt, twice on the backside and once on the feet. Above

6) subject was arrested and booked at WERS. Social Services took custody

7) of the victim as well as her two younger siblings.

**NAME OF WITNESS**

**NAME OF WITNESS**

**CASE NO:** 07-1049

**CARVED FOR UCR BY CONTRIBUTOR:**

**OTHER AGENCY:**

**OFFICERS SIGNATURE**

**RAGGED NUMBER:** 15951175

**ASSIGNMENT:** A73

**POST-ARREST COMPLAINT:**

1) Assault 4th degree (domestic violence minor injury)

2) Officers responded to above location to assist social services on a complaint of child abuse. Upon arrival, the victim (Reyes Torres 11-01-03)

3) was located. She had large lacerations and scratches above and below her

4) eye. Above, subjected the mother stated that she hit the child 3

5) times with a belt, twice on the backside and once on the feet. Above

6) subject was arrested and booked at WERS. Social Services took custody

7) of the victim as well as her two younger siblings.
COMMONWEALTH OF KENTUCKY
CHILD ABUSE, ADULT ABUSE, AND DOMESTIC ABUSE
STANDARD REPORT

<table>
<thead>
<tr>
<th>LAW ENFORCEMENT REPORTING AGENCY</th>
<th>ORI AGENCY ID</th>
<th>AGENCY INCIDENT REPORT NO.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bowling Green Police</td>
<td>1140100</td>
<td>07-10-49</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>D.O.B. REPORTED</th>
<th>TIME REPORTED</th>
<th>DATE REPORTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warren</td>
<td>02-11-07</td>
<td>1257</td>
<td></td>
</tr>
</tbody>
</table>

| X DOMESTIC VIOLENCE/ABUSE (KRS 403.785) (KRS 299.030(2)) D0078 |
| PHYSICAL ABUSE/NEGLECT (ADULT) (KRS 299.030(2)) D0078 |
| PHYSICAL ABUSE/NEGLECT (CHILD) (KRS 403.785) (KRS 299.030(2)) D0078 |
| SEXUAL ABUSE/EXPLOITATION (CHILD) (KRS 403.785) (KRS 299.030(2)) D0078 |

<table>
<thead>
<tr>
<th>DATE OF INCIDENT</th>
<th>LOCATION/ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/11/07</td>
<td>209 Woodford Ave A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME</th>
<th>SOC. SEC. NO</th>
<th>RACE</th>
<th>SEX</th>
<th>DATE OF BIRTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Justin</td>
<td></td>
<td>F</td>
<td>W</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PHONE</th>
<th>AM</th>
<th>PM</th>
<th>LOCATION IF LEFT SCENE</th>
</tr>
</thead>
<tbody>
<tr>
<td>782-7502</td>
<td>320-0270</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RELATIONSHIP</th>
<th>TO PERPETRATOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPOUSE</td>
<td>CHILD</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADVISED VICTIM OF RIGHTS (KRS 403, KRS 421)</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OUTSTANDING PROTECTIVE ORDER?</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NARRATIVE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social services requested assistance. In a child abuse investigation at the above location. Upon arrival, Remy was treated with a babysitter. Remy had bruises and scratches on his face and below her left eye. The babysitter advised that Justin had hit the child with a belt, but he did not witness it. Justin came to the house while officers were there. She admitted to hitting the child with a belt 3 times, twice on the back and once in the face. The child was cried in the rear of the car. The server reported to the child's condition. There was a shirt in the back seat and bottles in the truck. The two youngest children were in dirty clothes and dirty diapers.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MEDICAL ATTENTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INJURIES VISIBLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DESCRIBE INJURIES OR COMPLAINT OF PAIN</th>
</tr>
</thead>
<tbody>
<tr>
<td>bruise and scratch around left eye</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MEDICAL ATTENTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WEAPONS INVOLVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>gun</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DRUGS INVOLVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ALCOHOL INVOLVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CRIME SCENE PHOTOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROPERTY DAMAGE AT SCENE</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PERSON CALLING FOR ASSISTANCE: (Name, Address, Phone)</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Redacted]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CHARGE(S): (include Violation of Protective Orders)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assault 4th degree</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PHOTOS OF INJURIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CHILDREN PRESENT IN THE HOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES (list dating only)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME</th>
<th>RACE</th>
<th>SEX</th>
<th>COB</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMMENTS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jennifer John [Redacted]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GIVE VICTIM INFORMATION - TEAR AT PERFORATED LINE</th>
</tr>
</thead>
</table>
Alien's full name: JUSTINA

In accordance with the provisions of section 212(a)(9) of the Immigration and Nationality Act (Act), you are prohibited from entering, attempting to enter, or being in the United States:

☐ For a period of 5 years from the date of your departure from the United States because you have been found deportable under section 237 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act initiated upon your arrival in the United States as a returning lawful permanent resident.

☒ For a period of 10 years from the date of your departure from the United States because you have been found:
  ☐ deportable under section 237 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act.
  ☒ inadmissible under section 212 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act initiated as a result of your having been present in the United States without admission or parole.
  ☐ deportable under section 241 of the Act and ordered deported from the United States by an immigration judge in proceedings commenced before April 1, 1997 under section 242 of the Act.
  ☐ deportable under section 237 of the Act and ordered removed from the United States in accordance with section 238 of the Act by a judge of a United States district court, or a magistrate of a United States magistrate court.

☐ For a period of 20 years from the date of your departure from the United States because, after having been previously excluded, deported, or removed from the United States, you have been found:
  ☐ inadmissible under section 212 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act.
  ☐ deportable under section 237 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act.
  ☒ deportable under section 237 of the Act and ordered removed from the United States in proceedings under section 238 of the Act.
  ☒ deportable under section 241 of the Act and ordered deported from the United States by an immigration judge in proceedings commenced before April 1, 1997 under section 242 of the Act.
  ☐ to have reentered the United States illegally and have had the prior order reinstated under section 241(a)(5) of the Act.

☐ At any time because you have been found inadmissible or excludable under section 212 of the Act, or deportable under section 241 or 237 of the Act, and ordered deported or removed from the United States, and you have been convicted of a crime designated as an aggravated felony.

After your removal has been effected you must request and obtain permission from the Attorney General to reapply for admission to the United States during the period indicated. You must obtain such permission before commencing your travel to the United States. Application forms for requesting permission to reapply for admission may be obtained by contacting any United States Consulate or office of the Immigration and Naturalization Service. Refer to the above file number when requesting forms or information.

WARNING: Title 8 United States Code, Section 1326 provides that it is a crime for an alien who has been removed from the United States to enter, attempt to enter, or be found in the United States without the Attorney General's express consent. Any alien who violates this section of law is subject to prosecution for a felony. Depending on the circumstances of the removal, conviction could result in a sentence of imprisonment for a period of from 2 to 20 years and/or a fine of up to $250,000.

(Signature of officer serving warrant)  (Title of Officer)  (Location of INS office)

Print 1-294 (Rev.)
I, Justina [redacted], under penalty of perjury, hereby declare the following:

1. My name is Justina [redacted]. I was born on November 28, 1979. I am 27 years old.

2. I am currently detained by Immigration & Customs Enforcement (ICE) at McHenry County Jail in Illinois. I was transferred here from Kentucky, where I was picked up by ICE after the police arrested me and accused me of abusing my children. I do not know where my children are now.

3. While I was detained by ICE in Kentucky, I signed a deportation order without understanding what I was signing. I would like to reopen my case so that I can fight for custody of my children, even if I have to leave the country. I have therefore filed a Motion to Reopen my deportation order.

4. I respectfully ask that the Judge waive the fee for a motion to re-open the Stipulated Order of Removal that I signed. As I am detained, I am not able to obtain the appropriate funds for the filing fees.

5. My expenses are as follows:

   Housing: $0.00
   Food: $0.00
   Clothing: $0.00
   Utilities: $0.00
   Transportation: $0.00
   Debts/Liabilities: $0.00

6. My Assets are as follows:

   Wages, Salary: $0.00
   Cash: $0.00
   Checking/Savings Account: $0.00
   Property: $0.00

I have provided the foregoing statement in my native language, which is Spanish. It has been read back to me in Spanish and I agree that it is true and correct to the best of my ability.
TO: Officer on Duty  
FAX #: 815-338-7902  
FROM: Elena Tsinikas  
PHONE #: 312-660-1614  
DATE: 3/21/07  
# PAGES (including this cover sheet): 2  
COMMENTS/MESSAGE:

Dear Officer,

Please forward the following document to Justina [REDACTED] and allow her to fax back a signed copy and any related documents. Thank you for your assistance with this matter. You may call me with any questions or concerns at 312-660-1614.

Sincerely,

Elena Tsinikas  
Detention Project Paralegal

CONFIDENTIAL

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us via first class mail.
AUTHORIZATION FOR RELEASE OF RECORDS OR INFORMATION

I, [Name], hereby authorize [The Mexican Consulate] to release any and all records and/or information regarding my case to the National Immigrant Justice Center (NIJC), Chicago, Illinois.

I authorize this release for the duration of my legal proceedings before the U.S. Department of Homeland Security (DHS) and/or the Executive Office for Immigration Review (EOIR).

I further understand that I may revoke this authorization at any time.

3/21/07
DATE

SIGNATURE

3/21/07
DATE

[Signature]

NIJC STAFF SIGNATURE
NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
167 N. MAIN STREET, ROOM 460
MEMPHIS, TN 38103

RE: JUSTINA
FILE: A99-761-604
DATE: Jul 26, 2007

TO: NATIONAL IMMIGRANT JUSTICE CENTER
HILLARY RICHARDSON, ESQ.
208 S. LASALLE ST., SUITE 1813
CHICAGO, IL 60601

Please take notice that the above captioned case has been scheduled for a
MAGISTRATE hearing before the Immigration Court on Sep 17, 2007 at 10:00 A.M. at:

601 W. BROADWAY, ROOM 601
LOUISVILLE, KY 40202

You may be represented in these proceedings, at no expense to the
Government, by an attorney or other individual who is authorized and qualified
to represent persons before an Immigration Court. Your hearing date has not
been scheduled earlier than 10 days from the date of service of the Notice to
Appear in order to permit you the opportunity to obtain an attorney or
representative. If you wish to be represented, your attorney or representative
must appear with you at the hearing prepared to proceed. You can request an
ejarlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances
may result in one or more of the following actions: (1) You may be taken into
custody by the Department of Homeland Security and held for further
action. OR (2) Your hearing may be held in your absence under section 240(b)(5)
of the Immigration and Nationality Act. An order of removal will be entered
against you if the Department of Homeland Security established by
clear, unequivocal and convincing evidence that: a) you or your attorney has
been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT
CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION
COURT MEMPHIS, TN THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR
TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS.
EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE
COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE
ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM
THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO
OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW
ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE
OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE
SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED
SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For
information regarding the status of your case, call toll free 1-860-898-7180
or 703-305-1662.

CERTIFICATE OF SERVICE
THIS DOCUMENT WAS SERVED BY: [ ] MAIL (M) PERSONAL SERVICE (P)
TO: [ ] ALIEN [ ] ALIEN c/o Custodial Officer [ ] ALIEN's ATT/REP [ ] DHS
DATE: 7-26-07 BY: COURT STAFF

Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Services List [ ] Other
The Honorable Margaret Huddleston
Judge, Warren Circuit Court, Division III
Family Court One
Civil Action #04-J-00592-002

May 4th, 2008

Dear Judge Huddleston,

Please find the enclosed report in regards to: Justina 07-J-00120-001

1. **IDENTIFYING INFORMATION:**
   
   Name: Alex
   Hispanic/Male
   DOB: 9/1/04
   402-63-2929

2. **PLACEMENT HISTORY:**

   See attached placement log.

3. **SERVICES PROVIDED TO PARENT:**

   Justina receives supervised visits on a weekly basis. Currently she is seeing the children for two hours each visit. The visits are supervised by Community Action. A UK Targeted Assessment was completed on 10/29/07, and is on file. Justina has completed Drug and Alcohol classes and verification of completion dated 9/28/07 has been filed. Verification of participation in Domestic Violence Classes verified by written statement from Karla Trujillo at BRASS stating Justina enrolled in Pattern Changing classes, eight individual sessions dated 10/17/07, which she has completed; Social Worker hasn't received written verification of completion, but has requested.

4. **CURRENT PROGRESS**
Justina has had three prior addresses since current Social Worker has been working with her; all of these addresses have been temporary addresses where Justina has been living with friends until she has secured her fourth address – a rental house she is sharing with another female and her little girl. Social Worker, accompanied by FSOS Allison Gibson and interpreter Vanessa Argiello, completed surprise home visit on 05/29/08 and found the glass broken out of front door, and the door standing open – house unlocked; the house was in disarray with beer and beer cans everywhere, a man passed out on the bed in the front bedroom with door open, trash not taken out and smelling of foul odor and flies blowing the trash can and kitchen sink, which was full of dirty dishes that had obviously been there for several days, the refrigerator was sparse and dirty with cooked food put in the refrigerator in the same pots that it was prepared in without lids, dried up and needing to be thrown out and dishes cleaned, clothes strewn all over the house in piles. The outside of the house had three or four bags of nothing but empty beer cans piled around the house; there were empty beer cans and bottles thrown about the yard; there was broken glass in the yard and around the driveway area, obviously not a home that we would recommend the children to return to. Justina has been told time and again what we expect out of her in ref to providing suitable, safe and alcohol free home for the children to return to. Social Worker has addressed the issue of different men in and out of Justina’s home and how this isn’t good, or safe for the children to be subjected to; Justina obviously isn’t taking Social Worker serious when he reiterates to her time and again what is expected of her. Alcohol played a major role in her physically abusing Reyna, and her children being placed in state foster care. Social Worker suspects that the window glass was broken out due to drinking and possible domestic violence, which she denies and states that it was an accident that happen while the were playing with a child. Justina has completed the following: Alcohol and Drug Classes; Domestic Violence classes; UK targeted assessment with Kim Iverson; as well as, consistent visitation with her children where she has shown much progress in appropriate discipline, interaction, and equally shared attention to all three children. She brings native prepared meals to the two hours visits weekly and always hugs, kisses, and tells her children she loves them via interpreter services. Social Worker has received no positive drug test on Justina. She had a full time job at Mexican grocery and states that she wasn’t able to keep due to the job being in Morgantown and her lack of transportation and license. She is states she is working in tobacco again and doing some yard work when available. She needs to secure some type of permanent employment and abstain from the company she keeps who continue to obviously use her place as a hang out and party house.

5. **SERVICES TO CHILD:**
Alex continues to make progress in school and counseling. He remains in individual counseling. The therapist provides therapy at school and in the foster home. Alex attends school regularly and Foster Mother reports that he loves school. Foster Mother continues to receive good reports on Alex's progress in therapy and school. He is language delayed per Speech Therapist and is currently attending Speech Therapy. Alex interacts appropriately with his Mother during two hour weekly visitation; although boy like, he does act out more that his sisters during scheduled visitation as reported by Community Action staff supervising the visits. The Foster family continues to engage the children in activities that involve other children to encourage appropriate social interaction with other children.

6. RECOMMENDATIONS/SERVICES:

It is recommended that Alex remain in her Foster placement with her siblings. Social Worker suggest that the goal be changed to Adoption while maintaining that he is willing to work with biological parents in their pursuit to be reunited with Alex through concurrent planning; Social Worker recognizes that it may still be possible for biological Mother to secure permanent dependable employment and to make changes in the company she keeps and to quit drinking and socializing with those who do. She has history of alcohol abuse which lead to physical abuse and removal of children.

Justina has recently forwarded to the alleged biological Father of Alex the phone numbers of the Foster Mother and he is now calling and demanding to see his children after Social Worker has ask her about Alex's Father several times and she acted as if she didn't know where he was. Social Worker has made telephone contact with him and he is here illegally also and states that he works in tobacco and lives in Beaver Dam; Social Worker has ask him to contact Child Support office to establish paternity first, and then we will look at visitation pending results of Paternity test.

7. PERMANENCY GOAL:
The Cabinet’s goal for Alex at this time is Adoption

Respectfully submitted,

Mark L. Smith, BSW, SSWII
COMMONWEALTH OF KENTUCKY
WARREN CIRCUIT COURT, DIVISION III
FAMILY COURT ONE
MARGARET RYAN HUDDLESTON, JUDGE
CIVIL ACTION NO. 08-AD-00664

IN THE INTEREST OF: REYNA EDITH, a child
ALEX JOAN, a child
DAISY ADRIANNA, a child

CABINET FOR HEALTH AND FAMILY SERVICES
COMMONWEALTH OF KENTUCKY
PETITIONER

As Petitioner and Next Friend of REYNA EDITH, a child,
ALEX JOAN, a child, and
DAISY ADRIANNA, a child
GUARDIAN AD LITEM TO BE APPOINTED

vs.

ANSWER TO PETITION FOR INVOLUNTARY TERMINATION OF PARENTAL RIGHTS AND APPOINTMENT OF GUARDIAN AD LITEM AND AFFIDAVIT FOR WARNING ORDER ATTORNEY

JUSTINA TORRES, et al

RESPONDENTS

Comes now the Respondent, Justina by and through counsel, Nancy Oliver Roberts, and for her Answer to the Petitioner for Involuntary Termination of Parental Rights and Appointment of Guardian Ad Litem and Affidavit for Warning Order Attorney, states as follows:

1. The Respondent, Commonwealth Service, Commonwealth Respondent, Justina Torres, she does not agree to the conse

2. The Responder

3. The Respondent, Justina Torres,

NOR/No

08/29/08
Page 1 of 5
4. The Respondent, Justina [redacted] admits all of Item 4, except she does not admit Edwin Lara's present address, because she has heard that he is moving.


7. The Respondent, Justina [redacted] denies Item 7 in that her only three (3) children of Reyna Edith Torres, Alex Joan [redacted] and Daisy Adrianna [redacted] do not have a safe and nurturing home at her home at 820 Winona Court, Bowling Green, Kentucky, that she has not abused or neglected her children, and it is not in the best interest of the three (3) children that her parental rights to the three (3) children should be terminated.

8. The Respondent, Justina [redacted] denies that she has for a period of six (6) months, continuously or repeatedly failed to provide or she has not been substantially incapable of providing essential parental care and protection for the children, and there is a reasonable expectation of improvement in parental care and protection, because the Respondent, Justina Torres, has obtained a house for the children to live in (Exhibit 1 – Residential Lease), she has completed a parent education class (See Exhibit 2 – Completion of Class Certificate), the Social Worker has inspected the house to determine it is clean and adequate bedrooms for the three children, and she has visited with the three (3) children as the Cabinet allowed on every Wednesday from 3:00 to 5:00 p.m..

9. The Respondent, Justina [redacted] denies that she has continuously or repeatedly failed to provide or is incapable of providing essential food, clothing, shelter, medical care or education reasonably necessary and available for the children’s well-being and there is reasonable expectation of significant improvement in Justina [redacted] conduct in the immediate
foreseeable future, because she has a home for her three (3) children, she has completed a counseling for parent education class, the home has been inspected to be clean, she works in tobacco and at a grocery store, and she continues to visit with her children and does not want her parental rights terminated or her only three (3) children adopted.

10. The Respondent, Justina [redacted] denies Item 10, because she continues request that her only three (3) children be returned to her, as she is able to care for them in her home, provide clothing, food, and education to the children.

11. The Respondent, Justina [redacted] denies Item 11, because she has not failed or refused to make changes in her circumstances, conduct or conditions which would allow the children to be safely returned to her care, because she has sought counseling and obtained a home for her children.

12. The Respondent, Justina [redacted] denies Item 12, because she has sought counseling for the alleged physical abuse, as she was only attempting to discipline Reyna and it was an accident that Reyna was hit in the eye. The Respondent, Justina [redacted] denies that she is being deported at this time. The Respondent, Justina [redacted] has stable housing as she has rented a three (3) bedroom home, with two bedrooms as Mark Smith requested, that is, one for Alex and one for Reyna and Daisy. The Respondent, Justina [redacted] denies in part that the Fathers have done nothing on their treatment plan, in that Alex and Daisy’s father pays child support.

13. The Respondent, Justina [redacted] denies Item 13, because she is hereby requesting the return of her only three (3) children and that her parental rights not be terminated.

14. The Respondent, Justina [redacted] denies Item 14, as she is the biological mother of the three (3) children herein and requests to have her children returned to her forthwith.

WHEREFORE, the Respondent, Justina [redacted] prayerfully requests the Court to:
1. To appoint a Guardian Ad Litem for her children.

2. That a judgment not be entered terminating the Respondent, Justina [redacted] Parental rights, denying the vesting of the parental rights in the Cabinet for Health and Family Services, Commonwealth of Kentucky, because the biological mother, the Respondent, Justina [redacted] is capable of providing full care, custody and control of Reyna Edith [redacted], Alex Joan [redacted], and Daisy Adrianna [redacted]

3. That Reyna Edith [redacted], Alex Joan [redacted] and Daisy Adrianna [redacted] be awarded or returned to the parental care, custody and control to the Respondent, Justina [redacted]

4. That the Respondent, Justina [redacted] be provided any and all relief to which the Respondent, Justina [redacted] appears entitled.

This the 29th day of August, 2008.

NANCY OLIVER ROBERTS, P.S.C.  
Attorney for the Respondent  
Justina [redacted]

1023 Kentucky Street  
Bowling Green, KY 42101-2107  
(270) 842-5900

VERIFIED STATEMENT

I have read the foregoing Answer to the Petition for Involuntary Termination of Parental Rights and all the statements contained herein are true and correct, as I believe them to be.

This the __________ day of August, 2008.

JUSTINA [redacted]

COMMONWEALTH OF KENTUCKY  

NOS/no  
Stated/Handwritten  
08/29/08  
Page 4 of 5
STATE AT LARGE

The foregoing document was acknowledged before me by Justina [redacted] as her free, voluntary act and deed, on this the ________ day of August, 2008.

NOTARY PUBLIC
My Commission Expires: ________________

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document was this date served upon by the following parties by placing said document in the U.S. mail, postage prepaid to: Attorney Mary Gaines Locke, Office of Legal Services, P.O. Box 158, Munfordville, Ky. 42765-0158; Justina [redacted] 320 Winona Court, Bowling Green, Ky. 42101; [redacted] 12233 Dogwood Drive, Silver Springs, Maryland 20992; and Alejandro [redacted] 1070 Hickory Church Road, Cromwell, Kentucky 42333.
This the 29th day of August, 2008.

NANCY OLIVER ROBERTS
COMMONWEALTH OF KENTUCKY
WARREN CIRCUIT COURT
FAMILY COURT ONE
MARGARET RYAN HUDDLESTON, JUDGE
CONFIDENTIAL FILE NO. 08-AD-

IN THE INTEREST OF:  REYNA EDITH, a child
                      ALEX JOAN, a child
                      DAISY ADRIANNA, a child

CABINET FOR HEALTH AND FAMILY SERVICES
COMMONWEALTH OF KENTUCKY
PETITIONER

As Petitioner and Next Friend of REYNA EDITH, a child,
ALEX JOAN, a child and
DAISY ADRIANNA, a child
GUARDIAN AD LITEM TO BE APPOINTED
(Serve Guardian Ad Litem, Pursuant to KRS 625.070
On Behalf of Children)

VS.

PETITION FOR INVolUNTARY
TERMINATION OF PARENTAL RIGHTS
AND
APPOINTMENT OF GUARDIAN AD LITEM
AND
AFFIDAVIT FOR WARNING ORDER ATTORNEY

JUSTINA
Bowling Green, Kentucky 42101
(Serve Personally)

and

EDWIN
Silver Springs, Maryland 20902
(Appoint Warning Order Attorney)

and
1. The petitioner, Cabinet for Health and Family Services, Commonwealth of Kentucky, states that it is an agency of the Commonwealth authorized by law (KRS 625.050) to institute this action. The subject children, Reyna Edith [redacted], Alex Joan [redacted], and Daisy Adrianna [redacted] were committed to the custody of the Cabinet, which also brings this action as next friend.

2. Reyna Edith [redacted], female, was born on [redacted] in Warren County, Kentucky as shown by Birth Certificate [redacted]. Alex Joan [redacted], male, was born on [redacted] in Warren County, Kentucky as shown by Birth Certificate [redacted]. Daisy Adrianna [redacted], female, was born on [redacted] in Warren County, Kentucky as shown by Birth Certificate [redacted].

3. Justina [redacted] is the mother of Reyna Edith [redacted], Alex Joan [redacted], and Daisy Adrianna [redacted] and she resides at [redacted] Bowling Green, Kentucky 42101.

4. Edwin [redacted] is the biological father of Reyna Edith [redacted] with parental rights based on KRS 625.065, and he resides at [redacted] Silver Springs, Maryland 20902.

5. Alejandro [redacted] is the biological father of Alex Joan [redacted] and Daisy Adrianna [redacted] with parental rights based on KRS 625.065, and he resides
6. Reyna Edith [redacted], Alex Juan [redacted], and Daisy Adrianna [redacted] are committed to the Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky, by order of the Warren Family Court dated February 12, 2007. Reyna Edith [redacted], Alex Juan [redacted], and Daisy Adrianna [redacted] were represented in that action by Guardian Ad Litem, Hon. Thomas Blaha. The children are presently placed in a state approved home in Warren County.

7. Justina [redacted], Edwin L. and Alejandro [redacted] have failed to protect and preserve Reyna Edith [redacted], Alex Juan [redacted], and Daisy Adrianna [redacted], a fundamental right to a safe and nurturing home; Reyna Edith [redacted], Alex Juan [redacted], and Daisy Adrianna [redacted] are abused and neglected children as defined in KRS 600.020; and it is in the best interest of the children that the parental rights of Justina [redacted], Edwin L. and Alejandro [redacted] be terminated.

8. Justina [redacted], Edwin L. and Alejandro [redacted] for a period of not less than six (6) months, have continuously or repeatedly failed or refused to provide or have been substantially incapable of providing essential parental care and protection for the children and there is no reasonable expectation of improvement in parental care and protection, considering the age of the children.

9. Justina [redacted], Edwin L. and Alejandro [redacted] for reasons other than poverty alone, have continuously or repeatedly failed to provide or are incapable of providing essential food, clothing, shelter, medical care or education reasonably necessary and available for the children's well-being and there is no reasonable expectation of significant
improvement in the parents' conduct in the immediately foreseeable future, considering the age of
the children.

10. The children have been in foster care under the responsibility of the Cabinet for
fifteen (15) of the most recent twenty-two (22) months preceding the filing of the Petition to
terminate parental rights.

11. The Cabinet for Health and Family Services has offered or provided all reasonable
services to the family, but the parents have failed or refused to make any change in their
circumstances, conduct or conditions which would allow the children to be safely returned to
their care.

12. Reyna Edith [redacted] Alex Joan Martinez [redacted] and Daisy [redacted] were removed for physical abuse and risk of physical abuse. Reyna had a black eye where
she was hit with a belt buckle. Mother is going to be deported. Mother has done some things on
her treatment plan, but does not have stable housing. Fathers have done nothing on their
treatment plans.

13. Petitioner, Cabinet for Health and Family Services, is the agency to whom custody
is sought to be transferred; the Cabinet has facilities available and is willing to receive custody of
the children.

14. Reyna Edith [redacted] Alex Joan [redacted] and Daisy Adrianna [redacted] are unmarried and have no guardian, curator or conservator.

WHEREFORE, the Cabinet for Health and Family Services, Commonwealth of
Kentucky, prays:
1. That a Guardian Ad Litem be appointed for Reyna Edith Alex Joan [redacted] and Daisy Adrianna [redacted] to represent said children when properly before the Court.

2. That a summons be prepared and served with the petition upon the Guardian Ad Litem, on behalf of the infants, Reyna Edith Alex Joan [redacted] and Daisy Adrianna [redacted]

3. That an attorney be appointed to represent any parent respondent who requests an appointment of an attorney and who proves to the Court that he or she cannot afford to pay for a private attorney by entering an affidavit of indigency pursuant to KRS 625.080 and KRS Chapter 317.

4. That a warning order attorney be appointed for Edwin Lara to notify him of the nature and pendency of this action.

5. For a judgment terminating all of the parental rights of Justina [redacted] Edwin [redacted] and Alejandro [redacted] to Reyna Edith Alex Joan [redacted] and Daisy Adrianna [redacted] and granting to and vesting in the Cabinet for Health and Family Services, Commonwealth of Kentucky, the full care, custody and control of Reyna Edith Alex Joan [redacted] and Daisy Adrianna [redacted]

6. That Reyna Edith Alex Joan [redacted] and Daisy Adrianna [redacted] be declared wards of the Commonwealth of Kentucky.

7. For any and all other relief to which the petitioner, Cabinet for Health and Family Services, Commonwealth of Kentucky may appear entitled.
COMMONWEALTH OF KENTUCKY
CABINET FOR HEALTH AND FAMILY SERVICES

By: MARY GAINES LOCKE
Assistant Counsel
Office of Legal Services
P. O. Box 158
Munfordville, KY 42765-0158
(270) 524-7211

AFFIDAVIT

I, Mark L. Smith, a social services worker of the Cabinet for Health and Family Services, Commonwealth of Kentucky, hereby certify that I have read the foregoing petition and that all allegations contained therein are true to the best of my knowledge and belief. Affiant believes the Cabinet for Health and Family Services is unaware of such facts as are unknown to Affiant.

[Signature]
SOCIAL SERVICES WORKER

Subscribed and sworn to before me by Mark Smith
this 19th day of August, 2008.

[Signature]
NOTARY PUBLIC-STATE AT LARGE
My Commission Expires: 29-2010
COMMONWEALTH OF KENTUCKY ex rel

CABINET FOR HEALTH AND FAMILY SERVICES
PETITIONER

VS.

BALVINA
RESPONDENT

**************

TO: CABINET FOR HEALTH AND FAMILY SERVICES

Name

P.O. Box 218

Glasgow, KY 42142

Address

YOU ARE HEREBY APPOINTED ☑ Guardian ☐ Limited Guardian of the Respondent and your bond is fixed at the sum of $ 0.

YOU SHALL perform all orders and decrees of this Court required of you; and further, you shall file with this Court:

☑ An annual report of the personal status and condition of your ward. KRS 387.670.

☑ An inventory of your ward's property within 60 days of this appointment. KRS 387.710(1).

☑ A report and financial account of the personal status and financial condition of your ward biennially within 120 days after the anniversary date of appointment. KRS 387.710(2).

☑ Upon termination of this appointment, you shall forthwith submit a final report in accordance with KRS 387.670(4) and 387.710(3).

RIGHT TO VOTE (check one): Pursuant to the Disability Judgment entered of record in this action, the respondent:

☐ SHALL ☑ SHALL NOT retain the right to vote.

If this order is for LIMITED GUARDIANSHIP, the specific legal rights to which the ward is legally deprived are the rights to:

☐ dispose of property, ☑ execute instruments, ☑ enter into contractual relationship, ☐ determine living arrangements, ☐ consent to medical procedures, ☐ obtain a motor vehicle operator's license and ☐ other

Your powers and duties are LIMITED to: ☑ disposing of property, ☑ executing instruments, ☑ entering into contractual relationships, ☑ determining living arrangements, ☑ consenting to medical procedures, and ☐ other. MAKE EFFORTS FOR SUPERVISED FAMILY VISITS IN A NEUTRAL SETTING.
Robertson County Schools

CONFIDENTIAL

Psycho-Educational Evaluation

Name: Balvina
DOB: [redacted]
Age: 19 years 8 months
Gender: Female
Grade: non graded at this time
School: zoned for Springfield High
Evaluation Date: 4/19/06
Evaluation done by: Cara King, School Psychologist

Parent/Guardian: Margarita
Address: [redacted] Springfield, Tennessee 37172
Phone: [redacted]

I. Reason for Referral:

Balvina was referred for evaluation to determine her level of functioning.

II. Background Information:

Balvina recently came to Robertson County. Balvina came to the attention of the school system through the Health Department. Her mother reports that Balvina has never been in school and does not speak Spanish nor English. Ms. [redacted] reported that Balvina used to speak a few simple words (such as mother, water in Spanish) up until around the age of 11 or 12. Her mother then left her with relatives while she came to the United States. During the years that Ms. Gonzalez was away from Balvina, her language skills regressed and she no longer speaks. Ms. [redacted] reports that Balvina exhibits receptive skills of the Spanish language and none of the English language. Balvina points or gestures to express herself.

III. Sources of Information:

Instrument or Procedure
UNIT – Unit Nonverbal Intelligence Test
CTONI – Comprehensive Test of Nonverbal Intelligence
Developmental Test of Visual-Motor Integration
Adaptive Behavior Evaluation Scale - Home version
IV. Behavioral Observations:

Evaluation Observations:
Balvina was pleasant during the test session. The translator with the school system, Ms. McAlister and the mother were present during the evaluation as Balvina had proven to be hesitant to respond by pointing during a preceding hearing evaluation. She did successfully pass the hearing evaluation.

Nonverbal measures were utilized by the school psychologist. The measures administered to Balvina involved her pointing to her choice of answers. Balvina exhibits no spoken language. She smiles often. She constantly looked to her mother as if for reassurance of what she was doing. No environmental conditions were observed which would act to depress her performance.

V. Test Results and Interpretation:

Average standard score = 100
Average percentile = 50

A. Tests of Intellectual Functioning:

The **Comprehensive Test of Nonverbal Intelligence** was administered to Balvina. Her intellectual quotient was 42. The Pictorial Nonverbal Intelligence Quotient was 51 and the Geometric Nonverbal Intelligence Quotient was 42. All scores indicate severe cognitive deficits.

<table>
<thead>
<tr>
<th>Subtests</th>
<th>Scaled scores</th>
<th>Subtests</th>
<th>Scaled scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pictorial Analogies</td>
<td>1</td>
<td>Geometric Analogies</td>
<td>1</td>
</tr>
<tr>
<td>Pictorial Categories</td>
<td>5</td>
<td>Geometric Categories</td>
<td>1</td>
</tr>
<tr>
<td>Pictorial Sequences</td>
<td>1</td>
<td>Geometric Sequences</td>
<td>1</td>
</tr>
</tbody>
</table>

(Age equivalents were <6-0 except for Pictorial Categories which was 9-0)
(Mean score – 10)

The **Universal Nonverbal Intelligence Test** was also administered to Balvina. The norms only go through age 17.11 but due to the unique circumstances of this referral it was administered to aid the team in determining Balvina's abilities. Her scores should be interpreted with caution as the 17.8 – 17.11 norms were used to determine the reported scores. The extended battery was administered.

<table>
<thead>
<tr>
<th>Subtests</th>
<th>Scaled scores (mean score – 10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Symbolic Memory</td>
<td>1</td>
</tr>
<tr>
<td>Cube Design</td>
<td>1</td>
</tr>
<tr>
<td>Spatial Memory</td>
<td>1</td>
</tr>
<tr>
<td>Analogic Reasoning</td>
<td>1</td>
</tr>
</tbody>
</table>
Object Memory 1
Mazes 1

<table>
<thead>
<tr>
<th></th>
<th>Standard Score</th>
<th>Percentile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Memory Quotient</td>
<td>44</td>
<td>&lt;0.1</td>
</tr>
<tr>
<td>Reasoning Quotient</td>
<td>40</td>
<td>&lt;0.1</td>
</tr>
<tr>
<td>Symbolic Quotient</td>
<td>44</td>
<td>&lt;0.1</td>
</tr>
<tr>
<td>Nonsymbolic Quotient</td>
<td>42</td>
<td>&lt;0.1</td>
</tr>
</tbody>
</table>

Balvina attained a Full Scale score of 40. All areas/scores fall in the very delayed range of functioning. The age equivalent for her performance was <5 years 2 months.

B. Tests of Visual-motor/perceptual:

Balvina was administered the Developmental Test of Visual-Motor Integration. This is a pencil/paper task in which Balvina copies a visual stimulus. It starts with very simple items such as drawing a straight line both horizontally and vertically and drawing a circle and progresses to more involved drawings. On this measure, she performed at an age level of <2.7 in her reproduction of the figures. Standard score <46, percentile <.03. This performance indicates severely delayed visual motor integration skills.

C. Adaptive Behavior:

The parent completed the Adaptive Behavior Evaluation Scale – Spanish version on Balvina. With her responses, Balvina attained a composite score of 65 at the 4th percentile in the home environment. A school version cannot be done at this time as Balvina is not and has never been in school.

<table>
<thead>
<tr>
<th>Subscales</th>
<th>Home Standard Score</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Mean score – 10)</td>
</tr>
<tr>
<td>Communication Skills</td>
<td>1</td>
</tr>
<tr>
<td>Self-Care</td>
<td>8</td>
</tr>
<tr>
<td>Home Living</td>
<td>1</td>
</tr>
<tr>
<td>Social</td>
<td>5</td>
</tr>
<tr>
<td>Community Use</td>
<td>1</td>
</tr>
<tr>
<td>Self-Direction</td>
<td>3</td>
</tr>
<tr>
<td>Health &amp; Safety</td>
<td>6</td>
</tr>
<tr>
<td>Functional Academics</td>
<td>1</td>
</tr>
<tr>
<td>Leisure</td>
<td>3</td>
</tr>
<tr>
<td>Work</td>
<td>1</td>
</tr>
</tbody>
</table>

Balvina exhibits a personal strength in her self care skills. All other adaptive areas are considerably weak.
VI. Conclusions and Recommendations:

Current evaluation results indicate Balvina's cognitive functioning to be in the very delayed range on two nonverbal measures. Achievement testing was not attempted due to the nature of this referral. Adaptive behavior information attained from Balvina's mother indicates very delayed adaptive functioning in the home environment. She exhibits a personal strength in her self care skills. A school adaptive measure cannot be done at this time as she is not in school and has never been in school. A school adaptive measure can be addressed at a later time. Visual motor integration skills are consistent with her measured intellectual functioning.

Current evaluation results suggest that Balvina meets standards for certification as mentally retarded according to state/federal guidelines. Due to the uniqueness of this case, further assessment may need to be done to continue to aid the team in determining her needs. The team will review the current evaluation results and determine how best to meet her needs at this time.

Cara King, M.A.
Licensed School Psychologist
Tennessee Department of Education
Margarita            
Bowling Green, KY 42101  
202-2088

Formerly
Santa Catarina, Juquila, Oaxaca, Mexico  1961 - 1989
Puerto Escondido, Oaxaca, Mexico         1989 - 1999
Gastonia, North Carolina                 1999 - 2004
Bowling Green, Kentucky                  2007 - 2008

When the Social worker came to pick up Balvina, they told us they would contact us and tell us where Balvina is and how we can see her. It was last Friday, and I still have not been called.

Social Worker: Shawndi Isable  202-2088
Psychologist  Doug Bradley  822 Woodway
Social Worker  Susan Barnett, CHIFS
Judge  J.B. Hines, POB 370  Brownsville, KY 42110  846-0049

1. Was your husband your daughter’s father? Sergio was my husband in Mexico. He was the father of Balvina. We had six children. Leticia is in Mexico. She was born in 1978. Patricia is in Mexico. She was born in 1980. Maritza is in Mexico. She was born in 1982. Victor was born in Mexico in 1984. He originally came with me to the United States but he is now back in Mexico. Balvina was born in 1986 in Mexico. She is retarded and mute. She followed me to the United States after I sent for her. Jesus is 15. He came with me from Mexico and lives with me now. Betzabée is 6. She is with me in the United States and was born in North Carolina. Her father is Juan the man who was later accused of molesting Balvina.

2. How did you decide to come to the United States? Sergio passed away in Mexico. He was walking home from work and he got stabbed as he was walking home. He was 49 years old at the time. He died instantly.

I could not feed my children so I knew of nothing to do but go to the United States.

3. When did you come to the US? First I came alone in 1999. Then eight months later I brought two of my children, Victor and Jesus. Jesus is now 15 years old and lives with us. Victor went back to Mexico. My life is miserably poor in the United States, but it is better than it would have been in Mexico.

4. When did Balvina come to the United States? In 2003 I paid a coyote to bring Balvina. Where were you living then? I was living in Gastonia, North Carolina.
5. What sort of child was Balvina and how old was she when she came to the United States. She was 16 when the coyote brought her to the United States. She had been slow since she was born. She was cross-eyed at birth and they are better but she is still cross-eyed. She could not move the way she should. She learned to walk when she was 4 years old. She was not toilet trained until she was 8 years old. She has never learned to talk. She points with her hands but nothing else. She can cry. When you ask her something like “Do you like it?” she will nod “Yes” or shake her head “No”.

6. Could she tell you if someone hit or pinched her? Yes.

7. How would she tell you? If her brother, Jesus, hit or hurt her, she would come to me and in sign language tell me by pointing at him.

8. Tell us about the man you met in Gastonia and what happened. I met Juan [redacted] in Gastonia. We met in the house where we were both renting rooms. I did love him. He was helping me with the children. Then we moved together to another house. I became pregnant with him and had Betsabe e [redacted] in Gastonia February 15, 2002.

9. How was he acting at this time? He was very caring and I had no idea of what was going to happen.

10. What bad thing happened in North Carolina? I was working a 7:00 pm – 7:00 am night shift at a factory making plastic chairs. I was on one week and off one week. It was 2004 I believe. Victor was 18, Balvina was 17, Jesus “Chuy” was 11, and Betsy was 2 years old. Juan worked days. He went to work at 6:00 am leaving Victor, Jesus, and Betsy. I got home at 7:30 am.

11. What happened on the particular night that Juan was accused of molesting Balvina? When I came home from work the police were at my house. The police were waiting for me because Jesus had called them.

12. Why did he call them? Jesus called the police because he saw Juan in the room with Balvina. He saw Juan with his pants down.

13. What else did Jesus see? Jesus saw Juan in bed with Balvina. He knew it was wrong. We are good people, and I had taught Jesus right from wrong.

14. How did Jesus know to call the police? I had told them if they ever saw anything wrong to call the police. He had learned to call 911 from me and at school.

15. What happened next? When the police arrived, Juan ran. He has never been found, and I have had no more contact with him. My guess is that he went back to Mexico.

15. What did the police find? They found semen on Balvina but there had been no penetration. This was found from tests at the Gastonia Hospital.
16. Then what did you and your family do? Victor went back to Mexico. I took Balvina, Jesus, and Betsy to Springfield, Tennessee and then Bowling Green, Kentucky. We did not want Juan Enrique to know our whereabouts.

17. How has your life been in Bowling Green? It's been fairly good. I make food to sell. We live very sparsely.

18. What do you mean? How do you live? I live at [insert address]. It is a 3-bedroom house with two bathrooms, a kitchen, and a living room. The former utility room has been made into a bedroom. A woman named Leticia [insert name] and Rene [insert name] split the rent in four equal parts: my family including myself Jesus, Betsy, and Balvina; Juan Pablo [insert name]; Leticia; and Rene [insert name]. The rent is $450.

19. How many people live in the house? Seven people lived in the house. There is myself and Juan Pablo [insert name] in one room, Balvina, Jesus, and Betsy in one room, Leticia in the utility room, and Rene [insert name] in the third bedroom.

20. Who is Juan Pablo [insert name]? We have lived together for two years. We met in Springfield, Tennessee and Juan moved in with me in Bowling Green. Juan Pablo and I share my room.

21. When did you first meet Rene [insert name], the person charged with sexual assault in Bowling Green? I knew him in Mexico. He and his family lived in our town of Porto Escondido in Oaxaca. When we moved to Bowling Green, I ran into him. He had a wife and children in Porto Escondido. I knew his whole family – his mother, father, wife, brothers, sisters, and children.

21. How well did you know Rene [insert name]? He was a person of good character as far as I knew. I knew nothing bad about him. Rene’s sister was living in the house when I moved in. When she moved out my children and I moved in. There were actually three different families in the house. I, Margarita, was responsible for collecting the rent and paying the landlord, Edgar Mills.

22. Did you live as a family with the two extra people, Leticia and Rene? Leticia and Rene shared the kitchen with my family, but my family bought, stored, and prepared our food separately. My family was separate from Leticia and Rene.

23. What happened on the night Rene is charged with sexual assault on Balvina? Everyone was in the house asleep. I and Juan Pablo were in my room, and my three children were asleep in their room. Leticia was asleep in her room, and Rene was supposedly asleep in his room.

24. What happened on this night? Then Jesus was getting ready to get up and go to school at Bowling Green Junior High. He is usually the first one to wake up. The kids’ room is next to Margarita’s and Rene’s room was in the back of the house near the kitchen.
25. Describe the house: Everybody uses the back door to go in and out. When you walk in the back door, there is a little hallway and Leticia’s room (the former utility room) is on the left. You enter Letitia’s room from the kitchen.

The kitchen is on the left. Rene’s room was on the right. On the right next to Rene’s room was the main bathroom. His door opened into the little hallway leading to the main bathroom. The back side of the house was Leticia and Rene’s side. They shared the main bathroom. Betsy and Balvina did not use the main bathroom. They shared a smaller bathroom that led from Margarita and Juan Pablo’s bedroom.

Jesus, Balvina, and Betsy shared the front bedroom. Each had a bed, and there was a closet. Everyone used the living room. Jesus usually used the main bathroom that Leticia and Rene used. Margarita’s family had some contact with Leticia but not much with Rene.

There is a door between the entry hall and the living room. It divides the back from the front of the house. When you enter the living room from the back hallway, Margarita and Juan Pablo’s room is on the right. This leads to the front door. As a rule no one in the house used the front door.

If you entered the front door, Balvina, Jesus’, and Betsy’s room was on the left.

26. Had Rene paid special attention to Balvina before the incident? No, he minded his own business. He wasn’t usually in the house. He went to work fixing cars and visiting his friends. We didn’t have much conversation with him.

27. Did Rene ever bring gifts to Balvina, Jesus, or Betsy? No.

28. Describe what Jesus saw on the morning of the molestation. Jesus woke up early on this particular morning. He had gone to bed early the night before. As he was getting up he noticed a little shadow at the end of Betsy’s bed between Betsy’s bed and Balvina’s. Betsy was sleeping on a little couch that night and not on her bed. It just happened that Jesus was up. He didn’t pay much attention, but says he said to himself, “What’s that?” He stayed in bed for a little while trying to wake up. Then he turned on his radio and was wondering what he might be seeing behind the bed.

Jesus got up and turned on the TV which was at the end of his bed. Then he saw the “shadow” move. The TV gave off enough light to let him see Rene’s feet. He was crouching. A little heater was partially covering his feet, but I could see that he had no shoes on.

Jesus says that he asked himself, “Is it him?” “I was surprised and stretched to try to get up. I decided to get up and turn on the light. I saw Rene’s head and by that time was sure it was him. I could see Rene’s head and I knew it was him, because he is balding. I could see his splotchy skin and that he was skinny which Rene was. I now knew for sure that it was Rene.”

Nothing was said to Rene. “Balvina kept looking at me. Balvina was looking at me in a weird way.” “I was wondering what I should do. Should I hit him? I had things in my room that I
could hit him with.” “I didn’t hit him. Instead I just went to my mom’s room. My mom was sleeping. I entered her room and she was sleeping.”

She started to wake up. She was shocked and started waking up Juan Pablo. While my mom was waking up, I heard the front door shut.” “My mom and Juan Pablo got up and ran to see what was going on.”

“When we got to the bedroom, Rene wasn’t there any more. He wasn’t there any more and we knew he had left out the front door. That’s when we called the police”

Margarita pulled the sheets back on Balvina’s bed and saw that she was naked. This was not normal. Balvina always slept in her clothes.

29. Did Rene and Balvina make any noise on the morning that you caught Rene? Did they wake you up? No, I sleep hard. The only reason I woke up early that morning was because we were having KATS testing and I wanted to be awake and prepared so I went to bed early.

29. What happened when the police were called? Jesus and Betsy went to school

30. What did the police do? The police called an ambulance to be sure she had not been injured. They took her to the hospital. The police got all the evidence. The police took Margarita to the hospital and Balvina went in the ambulance.

31. Jesus, what else can you tell us? “When my mom, Juan Pablo, and the police left Betsy and I were left at the house. The plan was that Letitia was going to put Betsy on the bus to go to school. So Betsy and I got ready to go to school. When I got home I entered the back door and went into the kitchen. Juan Pablo and my mom were there. I was looking for a snack. Juan Pablo said ‘Guess what, Balvina is pregnant.’ I was surprised and upset when he told us.”

32. How did Margarita react? She started crying about it and was very upset. She said things like, “Why did this happen to us?” She does not know if the tests show who is the father. When they took Balvina to the hospital all they told her was that Balvina was pregnant. They did not tell her how many months pregnant.

33. Did anyone in the house have any idea that Balvina could be pregnant which would mean that this had happened before? We had no suspicions. Rene had been polite to us. We guess that he would do this when we had all gone to sleep. When he was caught, Margarita was outside and she received a phone call that they had caught him. Rene never drank. He kept to himself. We had no idea.

34. Was Balvina at home alone at anytime? No, Margarita would take Balvina with her or left her with Jesus when he was at home. Balvina was never left at home alone.

35. Why did they take Balvina away from Margarita? Because it happened in North Carolina. Because they think that Margarita does not know how to take care of Balvina.
36. What is Margarita’s answer to this? “The judge has ordered that my daughter be taken away from me. We are upset that Balvina has been taken away.” Jesus says that in his opinion Balvina is good at home. “She colors and has video tapes. She is part of the family and does some chores such as watching dishes. She eats at her own pace. She eats slowly and cleans up after herself.” They believe that take good care of her. Margarita has always been with Balvina since she came to the United States.

Margarita knows that she is a good mother. She raised 6 children plus Betsy. She takes good care of her children and has cared for them alone. No one can take care of Balvina better than her mother. No one can love her like her family. They wonder how she is being treated. Balvina does not understand English. What is it like for her? How does Balvina feel about being taken away from her mother, Jesus, and Betsy? Balvina was crying when she left. She did not want to leave her family and she needs to be with her family.

37. Did this happen only once in Bowling Green? Yes

38. Why do you think you did not know what was going on? Rene was able to sneak into our room when we were sleeping. I guess he waited until everyone was sleeping. He did nothing to make us suspicious. Balvina never made any signs of being afraid or “liking” Rene. She made no hint at all.

39. Who reported this to the police? Jesus

40. What did you tell the police? “I told them to send somebody to our house. I told them the address. They asked the situation. I told them that I had seen Rene in the room and that I not seen him physically touching my sister, Balvina.”

41. Why did you think it was Balvina he was after? “Because I could not imagine that it would be my little sister. I knew that my little sister could speak. Also we asked Betsy if Rene had tried to touch her, and she said, “No”.

42. How many months pregnant is your daughter? We do not know.

43. Did he force her to have relations? They do not know.

44. Do you think Balvina would allow this to happen? The family does not think she understands well enough.

45. Did the Social worker suggest that they might take your other two children? No

46. Why do you think the Social Services might take away your two younger children? What did they say about the two younger children? Nothing

47. Did you tell the court that you want to keep Balvina? No
48. When do you go to court again? June 2 9:00 am

49. Did the court assign a lawyer to you? NO

50. Did the court assign a lawyer to Balvina? Not that the family knows of.

51. Who was your interpreter when you went to court? We have not gone to court.

52. Have you had an interpreter for anything? No, when the Social Worker came to our house Jesus who is 15 was there and she used him as interpreter for Margarita.
COMMONWEALTH OF KENTUCKY

VS.

VAI M.

* * * * * * *

1. Comes now CHLED - SHAWNDI ISABLE, Applicant herein, and requests to be appointed as EMERGENCY GUARDIAN for Respondent.

2. Applicant states his/her relationship to Respondent is STATE SOCIAL WORKER.

3. Applicant states his/her qualifications for appointment are as follows:

4. Applicant offers as surety on his/her bond the following:

5. Respondent owns the following estate, including government benefits, insurance entitlements, and anticipated yearly income (state if none or unknown):

   ESTATE                       VALUE
   Real Property                $  
   Personal Property            $  
   Yearly Income                $  
   Source of yearly income      $  

6. Applicant states that all statements in the foregoing are true.

Applicant's Name: SHAWNDI ISABLE

Address: P.O. BOX 1077
          BOWLING GREEN, KY 42102

Telephone Number: 270-746-7447

Date: 04/24/2008

Applicant's Signature: SHAWNDI ISABLE

Subscribed and sworn to before me on 2008 My commission expires

Name/Title:

Pat H. Woodcock
COMMONWEALTH OF KENTUCKY

VS.

BALVINA

CHES - SHAWNDI, ISABLE

has reasonable grounds or knowledge to lead him/her to believe Respondent appears to be unable to provide for his/her physical health and safety and/or manage his/her financial resources effectively and submits to the Court the following facts upon which he/she supports this belief:

1. Name of Petitioner: CHES - SHAWNDI, ISABLE
   Address: P.O. Box 10177
   Bowling Green, KY 42102
   Telephone Number: 270-202-2088

2. Name of Respondent: BALVINA
   Address: Bowling Green, KY 42101
   Respondent's Date of Birth (if known): 8/10/84

3. The nature of Respondent's disability and the facts or reasons supporting the need for determination of disability are:
   Ms. Gonzalez is mentally retarded and mute. Ms. Gonzalez was sexually assaulted and is now pregnant.

4. Respondent owns the following estate, including government benefits, insurance entitlements, and anticipated yearly income (state none or unknown):

<table>
<thead>
<tr>
<th>ESTATE</th>
<th>VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real Property</td>
<td>$0</td>
</tr>
<tr>
<td>Personal Property</td>
<td>$0</td>
</tr>
<tr>
<td>Yearly Income</td>
<td>$0</td>
</tr>
<tr>
<td>Source of Yearly Income</td>
<td></td>
</tr>
</tbody>
</table>

5. Name of Person having custody of Respondent: Marganta
   Address: Bowling Green, KY 42101
COMMONWEALTH OF KENTUCKY ex rel

VS.

Balvina [REDACTED]

PETITIONER

RESONDENT

1. Comes Petitioner and requests appointment as emergency limited [ ] guardian OR [ ] conservator for Respondent for the purpose of: Ms. [REDACTED] was sexually assaulted. At her mother's admission, this is not the first time or first perpetrator. Remaining in the mother's care places Ms. [REDACTED] at imminent risk of additional harm. Ms. [REDACTED] is also pregnant and needs appropriate medical care. She functions at a Sylola

2. Petitioner states his/her relationship to Respondent is: state social worker

and his/her qualifications for appointment are: ________________________________

3. Petitioner offers as surety on his/her bond the following: nil

4. Respondent is 21 years of age and resides at:

[REDACTED]

Bowling Green, KY 42101

5. The person or facility having custody of the Respondent is (name and address):

[REDACTED]

Bowling Green, KY 42101

6. A petition for a Determination of Disability was filed on April 24, 2008.

7. Respondent's [ ] Durable Power of Attorney OR [ ] Health Care Surrogate is:

Name: ________________________________

Address: ________________________________

8. Affidavit(s) are attached setting forth facts, including any danger alleged as imminent, and reasons necessitating such appointment.
COMMONWEALTH OF KENTUCKY

V. Balvin

On April 24, 2008, a Petition was filed alleging that the Respondent is unable to provide for his/her physical health and safety and/or to manage his/her property effectively.

It is hereby ORDERED that the Respondent be examined by an interdisciplinary evaluation team and the report(s) of the interdisciplinary evaluation be filed with the Court. The interdisciplinary evaluation team shall be comprised of following individuals:

1. A licensed physician [ ] QMHP [ ] QMRP;
   Name: ______________________
   Address: ______________________

2. A licensed or certified psychologist under KRS Chapter 319 [ ] QMHP [ ] QMRP; and
   Name: Doug Bradley
   Address: Life Skills
   822 Woodway Drive
   Bowling Green, KY 42101

3. A licensed or certified social worker or an employee of the Cabinet for Families and Children who is qualified under KRS 335.080 and KRS 335.090.
   Name: Susan Bennett
   Address: CHFS
   PO Box 10177
   Bowling Green, KY 42102

The interdisciplinary evaluation team is appointed to examine the Respondent to determine his/her ability to care for his/her physical health and safety and/or manage his/her property effectively, and report the findings of the team or individual team members, including:

a. A description of the nature and extent of the Respondent's disability, if any;
COMMONWEALTH OF KENTUCKY

VS.

BALVINA

PETITIONER

RESPONDENT

One (1) week having passed since the filing of a petition for determination of disability under KRS 387.500-387.770 and no appearance having been entered on behalf of the Respondent,

IT IS HEREBY ORDERED that:

HON: J. B. Nines

ADDRESS: PO Box 370
Brownsville Ky 42210

TELEPHONE: (270) 846-0049

is appointed as attorney for the Respondent.

Date

Judge's Signature

ENTERED: 2-24-08
PATTY HOWELL GOAD, CLERK
WARREN DISTRICT COURT DIV. # 3

Judge's Name (Print or Type)

Distribution:

Original - Court File
Copies - Petitioner/Attorney/County Attorney
Respondent/Attorney
All persons named in petition, or facility where, or person with whom, Respondent resides
Person proposed for appointment as guardian, conservator, or limited guardian/conservator
COMMONWEALTH OF KENTUCKY

PETITIONER

vs.

BALVINA

RESPONDENT

Emergency

ORDER SETTING
FOR HEARING

* * * * * * * * *

The above-styled action is ORDERED set for hearing in the Warren District Court on April 24, 2008 at 1:30 p.m.

4-24-08

Date

Judge

Please print or type the name of the Judge in the space provided below:

An attested copy of this order was mailed this date to the Respondent, the attorney for Respondent, the county attorney and all persons named in the petition unless waived.

Date

Signature
COMMONWEALTH OF KENTUCKY

vs.

[Redacted]

RESPONDENT

ORDER SETTING
FOR HEARING

The above-styled action is ORDERED set for hearing in the
Warren District Court on
June 2, 2008 at 9:00 a.m.

4/24/08

Date

Judge

ENTERED 4/24/08

PAT HOWELL GOAD, CLERK
WARREN DISTRICT COURT DIV. #3
BY D.C.

An attested copy of this order was mailed this date to the Respondent, the attorney for Respondent, the county attorney and all persons named in the petition unless waived.
COMMONWEALTH OF KENTUCKY

v.

RENE

The defendant having moved the court on December 31, 2007, pursuant to the provisions of KRS 439.265 to enter an order suspending further execution of the sentence(s) imposed upon him/her by this court on August 26, 2008, it appears to the court that such motion was filed with the court after more than thirty (30) days but less than one hundred eighty (180) days since the date the defendant was incarcerated in a county jail following conviction and sentencing pending delivery to the institution to which he/she has been sentenced, or delivered to the institution to which he/she was sentenced.

Having given due consideration to the written report of the presentence investigation prepared by the Division of Probation and Parole, and to the nature and circumstances of the crime, and to the history, character and condition of the defendant, it is hereby ADJUDGED by the court that:

☐ Defendant's motion is hereby overruled.

Defendant

DATE 1/12/09

Judge

Further execution of defendant's sentence is hereby suspended and the defendant is hereby placed on probation or probation with an alternative sentence under the supervision of the Division of Probation and Parole (or of the State of ) for a period of from the date of this order on the condition that defendant shall:

☐ Not commit another offense;

☐ Avoid injurious or vicious habits;

☐ Avoid persons or places of disreputable or harmful character;

☐ Work faithfully at suitable employment as far as possible;

☐ Make reparation or restitution to (specific person or organization) in the amount of $ , for damages or loss caused by the defendant, said sum shall be payable (plus 5% service fee added to each payment.)

☐ Undergo available medical or psychiatric treatment as follows:

☐ Post a bond in the sum of $ without surety conditioned upon the defendant's compliance with the terms of this order.

(Continued on back)
COMMONWEALTH OF KENTUCKY
8TH JUDICIAL CIRCUIT
WARREN CIRCUIT COURT, DIVISION 2
INDICTMENT NO. 08-CR-00451.

COMMONWEALTH OF KENTUCKY

VS

MOTION TO SUSPEND FURTHER
EXECUTION OF SENTENCE

RENE [REDACTED]
I.D. #222731

DEFENDANT

Comes now the Defendant, Rene [REDACTED] by and through counsel, the Department of Public Advocacy, and respectfully moves this Court to enter an Order suspending further execution of the sentence imposed upon the Defendant on August 26, 2008.

This Motion is made under provisions of KRS 439.265 and is filed after more than 30 days, but less than 180 days, since the date of the Defendant's delivery to the keeper of the institution to which the Defendant has been sentenced, or in the County Jail pending delivery to the institution.

WHEREFORE, this Defendant respectfully moves this Court to suspend further execution of the sentence imposed upon Defendant in this case and requests the Court to enter an Order placing the Defendant on probation upon such terms and conditions as the Court determines notwithstanding the expiration of the Court during which this Defendant was sentenced, and to grant any other relief to which Defendant may appear entitled.
This 31st day of December, 2008.

HON. JAMES RHORER
Assistant Public Advocate
Warren County Justice Center
1001 Center Street, Suite 301
Bowling Green, Kentucky 42101

NOTICE OF HEARING

Notice is hereby given that the foregoing Motion will be brought on for a hearing before the Honorable John Grise on Jan 12, 2008 at 9:00 a.m. CT in the Warren Circuit Court, Division 2, Warren County Justice Center, 4th Floor, Bowling Green, Kentucky.

CERTIFICATE OF SERVICE

I hereby certify that on Wednesday, December 31, 2008 a true copy of the foregoing Motion To Suspend Further Execution of Sentence and Notice of Hearing were hand delivered to the Commonwealth Attorney's Office at 1001 Center Street, Suite 205, Bowling Green, Kentucky 42101; and to Mr. Rene Ruiz-Medina, Roederer Correctional Complex, P.O. Box 69, LaGrange, Kentucky 40031.

HON. JAMES RHORER
Assistant Public Advocate
COMMONWEALTH OF KENTUCKY

v.

RECEIVED

The above-named defendant, having been adjudged guilty of the following charge(s):

FELONY THIRD DEGREE (2008)

which constitutes(s) a ☐ Sex Crime* and/or ☐ Criminal Offense against a Victim who is a Minor† is hereby ordered to register with the appropriate local probation and parole office for a period of ☐ 20 Years, or ☐ Lifetime following the defendant's release by the court, the Parole Board, the Department of Corrections, or any detention facility. Additionally, the defendant is hereby ordered to report to a local detention facility, within 48 hours of his or her release, to be fingerprinted and photographed.

Lifetime Registration required for any person convicted of:
(1) KRS 509.040 - kidnapping, when the victim is a minor at the time of the offense, except by a parent;
(2) KRS 509.020 - unlawful confinement, when the victim is a minor at the time of the offense, except by a parent;
(3) A sex crime and has:
   (a) One or more prior convictions of a criminal offense against a victim who is a minor, or
   (b) One or more prior sex crime convictions;
(4) Two or more criminal offenses against a victim who is a minor;
(5) KRS 510.040 - Rape in the first degree;
(6) KRS 510.070 - Sodomy in the first degree; or
(7) Found to be a sexually violent predator, defined as any person who has been subjected to involuntary civil commitment as a sexually violent predator, or a similar designation, under a state, territory, or federal statutory scheme.

Ten (10) Year Registration - All other registrants.

*Sex Crime is defined as:
A felony offense defined in KRS Chapter 510 (Sexual Offenses), KRS 530.020 (Incest), KRS 530.064 (Unlawful transaction with a minor in the first degree), KRS 531.310 (Use of a minor in a sexual performance), KRS 531.320 (Promoting a sexual performance by a minor), or a felony attempt of any of the above named offenses.

†Criminal Offense against a Victim who is a Minor is defined as:
KRS 509.040 (Kidnapping, except by a parent), KRS 509.020 (Unlawful confinement, except by a parent), a Sex Crime* when the victim is under 18 (as defined above), KRS 531.320 (Promoting a sexual performance by a minor), KRS 529.030 (Promoting prostitution in the first degree, when the defendant advances or profits from the prostitution of a person under 18), KRS 529.040 (Promoting prostitution in the second degree, when the defendant advances or profits from the prostitution of a person under 18), KRS 529.050 (Prostitution in the third degree, when the defendant advances or profits from the prostitution of a person under 18), KRS 531.310 (Use of a minor in a sexual performance), KRS 510.120 (Sex abuse in the second degree), KRS 510.130 (Sex abuse in the third degree), or any attempt or solicitation of the above-named offenses.

EXCEPTION: Conduct which is criminal only because of the age of the victim shall not be considered a criminal offense against a victim who is a minor if the perpetrator was under the age of eighteen (18) at the time of the commission of the offense. KRS 17.500(2)(b).

Distribution:
Defendant
Commonwealth
KSP, Information Services Center, Frankfort, Kentucky 40601

Judge
COMMONWEALTH OF KENTUCKY

PLAINTIFF

Date of Birth: [Redacted] SSN: [Redacted] For Youthful Offender: Provide school name and address.

Defendant appeared in open court on [Redacted] with counsel, Honorable [Redacted]. By agreement with the attorney for the Commonwealth, Defendant withdrew his/her plea of not guilty and entered a plea of GUILTY to the following charges contained in the indictment(s):

(1) [Redacted] which offenses were committed on or about [Redacted] when Defendant was [Redacted] years old;

(2) [Redacted] which offenses were committed on or about [Redacted] when Defendant was [Redacted] years old;

(3) [Redacted] which offenses were committed on or about [Redacted] when Defendant was [Redacted] years old;

[ ] ADDITIONAL CHARGES CONTAINED IN THE INDICTMENT LOCATED ON PAGE 4 OF 4.

Finding Defendant understands the nature of the charges against him/her including potential penalties, the Court finds: Defendant knowingly and voluntarily waives his/her right to plead not guilty, to be tried by a jury, to compel attendance of witnesses in his/her behalf, to confront and cross-examine witnesses and to appeal his/her case to a higher court. The Court further finds Defendant understands and voluntarily waives his/her right not to incriminate himself/herself, the right to be represented by an attorney at each stage of the proceedings against him/her (if appearing without counsel) and, if necessary, to have an attorney appointed to represent him/her. Finding the guilty plea is made voluntarily, knowingly and intelligently, the Court accepts Defendant's guilty plea to the charges to which Defendant entered a guilty plea.

For the purpose of sentencing, Defendant appeared in open court on [Redacted] without counsel [X] with counsel, Honorable [Redacted]. The Court inquired of Defendant (and counsel, if any) whether there was any legal cause why judgment should not be pronounced, and afforded Defendant (and counsel, if any) the opportunity to make statements in Defendant's behalf and to present any information in mitigation of punishment. The Court informed Defendant (and counsel, if any) of the factual contents and conclusions contained in the written Presentence Investigation Report (PSI) prepared by the Division of Probation and Parole and provided Defendant's attorney (if any) with a copy of the PSI although not the sources of confidential information. Defendant [X] agreed with the factual contents of the PSI [ ] was granted a hearing to controvert factual contents of the PSI. Having given due consideration to the PSI prepared by the Division of Probation and Parole, and to the nature and circumstances of the crime, as well as the history, character and condition of Defendant, and any matters presented to the Court by the Defendant (or counsel, if any), the Court finds:

[ ] the Victim suffered death or serious physical injury;

[ ] imprisonment is necessary for protection of the public because:

[ ] there is a likelihood that during a period of probation with an alternative sentencing plan or conditional discharge, Defendant will commit a Class D or Class C felony or a substantial risk that Defendant will commit a Class B or Class A felony.
AOC-445
Rev. 6-05

Page 2 of 4

[ ] Defendant is in need of correctional treatment that can be provided most effectively by the defendant's commitment to a correctional institution;

[ ] probation, probation with an alternative sentencing plan, or conditional discharge would unduly depreciate the seriousness of the Defendant's crime;

[ ] Defendant is ineligible for probation, probation with an alternative sentencing plan, or conditional discharge because of the application of KRS 532.080, KRS 439.3401, or KRS 533.060;

[ ] Defendant is eligible for probation, probation with an alternative sentencing plan, or conditional discharge as hereinafter ordered on AOC-455.

Insufficient cause having been shown why judgment should not be pronounced, it is ADJUDGED BY THE COURT that Defendant is GUILTY of the following charge(s) (include applicable UOR Code):

11650, Rape 3rd degree 20 to 50 yrs each, 1/c

A. Defendant is sentenced to:

1. Courts Costs, Restitution, Fees and Fines

Defendant is ORDERED to pay:

[ ] Court Costs of $160;

[ ] Fees in the amount of $350, OPA;

[ ] Restitution in the amount of $;

[ ] Fine(s) in the amount of $ .

2. Method of Payment

[ ] Court Costs are WAIVED due to Defendant having been found to be a "poor person" under KRS 453.190(2).

[ ] At time of SENTENCING, all Court Costs, Restitution, Fees and Fines shall be paid in full.

[ ] Payment is DEFERRED. All amounts shall be PAID IN FULL by

[ ] An INSTALLMENT SCHEDULE IS ESTABLISHED. Beginning , Defendant is ORDERED to pay $ weekly, every other week, monthly, other, until paid in full.

3. Directions for Payment of Restitution

As specified in KRS 532.032 and KRS 532.033, Defendant shall pay restitution pursuant to these conditions:

Restitution shall be paid through the:

[ ] Circuit Court Clerk with a 5% service fee;

[ ] County Attorney;

[ ] Commonwealth's Attorney;

for the benefit of (name of specific person or organization and address) .

4. Imprisonment

In addition to any monetary amount specified above, Defendant is sentenced to:

[ ] imprisonment for a maximum term of , [ ] probated, [ ] probated with an alternative sentence as stated in the attached Order of Probation. (No fine imposed on KRS Chapter 31 indigent defendant).

[ ] imprisonment for a maximum term of conditionally discharged as stated in the attached Order of Conditional Discharge. (No fine imposed on KRS Chapter 31 indigent defendant).

[ ] imprisonment for a maximum term of , in (institution) to run

[ ] concurrently [ ] consecutively with a sentence previously imposed on .
B. It is ORDERED that Defendant's bond:

[ ] be released. If bond was posted by Defendant, bond [ ] shall be [ ] shall not be applied to payment of remaining fines and costs: [ ] other
[ ] is not released until [ ] further order of the Court [ ] payment of all fines and costs
[ ] other

C. It is further ORDERED that:

[ ] upon release from incarceration or parole, Defendant, being found guilty of a felony under KRS Chapter 510, 530.020, 530.064, or 531.310, is sentenced to a three-year period of conditional discharge.

[ ] pursuant to KRS 17.510(2) Defendant has been convicted of a sex crime or a crime against a minor, or has been committed as a sexually violent predator, and has been informed of the duty to register with the appropriate local Probation and Parole Office. (See JC-4).

[ ] Defendant shall not be released from probation supervision until restitution has been paid in full and all other aspects of probation have been successfully completed.

[ ] by a preponderance of evidence, the Court finds hate was a primary factor in the commission of the crime by the Defendant. KRS 532.031(2).

[ ] being sentenced to a term of incarceration for a nonstatus juvenile offense, moving traffic violation, criminal violation, misdemeanor, or Class D felony, Defendant is ordered to pay costs of incarceration in the amount of $ ____________________________ as allowed by KRS 532.352. Said costs shall be reimbursed to (specify state or local government)

[ ] Defendant shall be delivered to the custody of the Department of Corrections at such location within this Commonwealth as Corrections shall designate.

[ ] pursuant to KRS 17.170, Defendant having been convicted of a felony offense under KRS Chapter 510 (Sexual Offense) or KRS 530.020 (Incest), shall have a sample of blood taken by the Department of Corrections for DNA law enforcement identification purposes and inclusion in law enforcement identification databases.

[ ] Defendant is hereby credited with time spent in custody prior to sentencing, namely 127 days as certified by the jailer of WCRS towards service of the maximum term of imprisonment (or toward payment of a fine at the rate of $5.00 per day). RCr 4.58

Date: 8/26/20

Judge's Signature

Copies to: Defendant / Attorney; Prosecutor: Probation & Parole, Sheriff (2 certified copies if Defendant sentenced to death or confinement); Principal, ____________________________ School (if Defendant is youthful offender).

SHERIFF'S RETURN

1. Served on Defendant named herein on ____________________________ 2.

Date: ____________________________ 2. Officer: ____________________________
WARREN CIRCUIT COURT

NO. 08-CR-451 ENTERED 1/22/08

COMMONWEALTH OF KENTUCKY

V.

ORDER ON PLEA OF GUILTY

RENE

IT APPEARING TO THE COURT that the Defendant has appeared this day in open Court with Counsel, and desires to enter a plea of guilty to the following charge(s):

Ch. 1 & 2 KRS 3rd Degree

and Defendant having stated to the Court that:

1. My full name is RENE. I am the same person named in the Indictment.

2. My judgment is not now impaired by drugs, alcohol, or medication.

3. I have reviewed a copy of the Indictment and told my attorney all the facts known to me concerning my charges. I believe he/she is fully informed about my case. We have fully discussed, and I understand, my charges and any possible defenses to them. I am satisfied with the advice my attorney has given me, and I have had all the time I wish to confer with my attorney.

4. I understand that I may plead "NOT GUILTY" to any charge against me, in which event the Constitution would guarantee me the following rights:

(a) The right not to testify against myself;

(b) The right to a speedy and public trial by jury at which I would be represented by counsel and the Commonwealth would have to prove my guilt beyond a reasonable doubt;
(c) The right to confront and cross-examine all witnesses called to testify against me;
(d) The right to produce any evidence, including attendance of witnesses, in my favor;
(e) The right to appeal my case to a higher court.

I understand that if I plead “GUILTY”, I waive these rights.

5. I understand that if I plead “GUILTY”, the Court may impose any punishment within the range provided by law and that although it may consider the Commonwealth’s recommendation, the Court may reject it.

6. I understand that if the Court rejects the plea agreement, it must so inform me and allow me to either persist in my guilty plea in which case I may receive a less favorable disposition of my case than is contemplated in the plea agreement or withdraw my guilty plea and proceed to trial. I further understand that the Court may wait until it reviews a presentence report regarding the history of the case and my background before it must inform me if it will accept the plea agreement.

7. In return for my guilty plea, the Commonwealth has agreed to recommend to the Court the sentence(s) set forth below. Other than that recommendation, no one, including my attorney, has promised me any other benefit in return for my guilty plea nor has anyone forced or threatened me to plead “GUILTY”.

On a plea of guilty, the Commonwealth recommends: __1__ Years

___ 2__ Years to run concurrent. For [A list of years. Commonwealth is opposed to probation. Defendant will be a 20 year resident in the Kentucky sex offender registry will have to give a 10 year risk to attend the. Sex offender treatment program, and I understand that under the original charge(s) against me I could be sentenced for as long as 10 years.

8. Because I am guilty and make no claim of innocence, I wish to plead “GUILTY”.

9. I declare my plea of “GUILTY” is freely, knowingly, intelligently and voluntarily made, that I have been represented by competent counsel, and that I understand the nature of this proceeding and all matters contained in this document.

__________

Page 2 of 3
10. I understand that because of my conviction here today, I may be subject to greater/enhanced penalties if found guilty and/or convicted of any future criminal offenses. I understand that if I am not a United States citizen, I may be subject to deportation pursuant to the laws and regulations governing the United States Immigration and Customs Enforcement. I understand the complete terms of this plea and all the obligations imposed upon me by its terms.

Signed in open Court in the presence of my attorney this __21__ day of

July __________, 2008.

James Blaine

ATTORNEY FOR DEFENDANT

__________________________

DEFFENDANT

NOW, THEREFORE, IT IS ORDERED that the Court accepts the plea of guilty and the Defendant is guilty as charged.

HOWEVER, the entry of Judgment imposing sentence is postponed and suspended pending a Presentence Investigation.

The Final Sentencing hearing shall be held on __8/26____, 2008, at ___8:30 AM____, m. for the purpose of determining whether the Defendant should receive a sentence of probation, a sentence of imprisonment, or a sentence of conditional discharge.

IT IS HEREBY ORDERED that the Division of Probation and Parole prepare a written report of its Presentence Investigation to be available on the above date and time.

This __1__ day of July __________, 2008.

________________________________

JUDGE, WARREN CIRCUIT COURT
DIVISION NO. __________

CLERK, SEND COPIES TO:

*COMMONWEALTH'S ATTORNEY - __________*
DEFENDANT'S ATTORNEY - __________
PROBATION AND PAROLE - __________

Page 3 of 3
2008-062149 Felony: On 4/22/08, officers located above subject hiding in an overgrown brush/wooded area behind 231 Market, 1823 Merigantown Road (near a friend's residence). Subject was the suspect in a rape investigation from last date when he ran from his residence at 1133 Clay when according to residents there, he had raped a 21 year old mentally retarded MUTE female, incapable of giving consent, living there. A sexual assault exam of the victim last date revealed she is pregnant. The suspect was detained and was transported to the BCPD where I advised him of his Miranda rights which he verbally waived. He admitted to having sexual intercourse with the victim, whom he says he loves, two times, prior to the incident last date. He stated they were about to have sex then, but the female's brother (a juvenile) woke up. Frightened of the consequences, the suspect ran away. I arrested the subject following the interview and lodged him at the Warren County Regional Jail.
<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainant</td>
<td>Jesus</td>
<td>BG KY 42101</td>
</tr>
<tr>
<td>Victim</td>
<td>Balvina</td>
<td>1153 Clay St</td>
</tr>
</tbody>
</table>

**INVESTIGATIVE REPORT**

**OFFENSE**

- Date: 04/21/08
- Time: 0400 (C)
- Location: Rape 1st (10994), Medina, R

**OFFENDER**

- Name: Jesus

**LOCATION OF OFFENSE**

- 1153 Clay St, BG KY 42101

**DESCRIPTION OF VICTIM**

- Race: White
- Gender: Male
- Age: 1

**LOCATION**

- Police Station: Bowling Green Police Department

**OFFICE**

- MDM

---

**Original Document**

**Bowling Green Police Department**

**Case Information**

- Case Number: 2008-003123
- Date of Incident: 04/21/08
- Time: 0400 (C)

**Victim Information**

- Name: Balvina
- Address: 1153 Clay St, BG KY 42101

**Offender Information**

- Name: Jesus

---

**Investigative Details**

**Relevant Categories**

- Case Status: Suspended
- Disciplinary Action: None
- Relationship: Unknown

---

**Notes**

- Additional information may be available in the original document.
I responded to [REDACTED] to investigate an unknown trouble complaint and possible sexual assault. Upon arrival, I made contact with the witness, [REDACTED]. [REDACTED] stated that at 0400 hours, he was awoken by the sound of someone in his bedroom. J. Gonzales stated that he turned on a light and discovered that the suspect, [REDACTED], was in his sister's bed. J. Gonzales stated that he shares the bedroom with his sister, [REDACTED]. J. Gonzales stated that [REDACTED] lives in a separate room located at the rear of the house. J. Gonzales stated that his family moved in with [REDACTED] three months ago. J. Gonzales stated that [REDACTED] jumped out of his sister's bed and was not wearing any clothing. J. Gonzales stated that he observed that his sister was also naked and he ran to alert his parents. J. Gonzales stated that he returned to his bedroom and [REDACTED] had exited the residence. J. Gonzales stated that he believes [REDACTED] may have remained naked as he exited the residence. Upon entering the victim's bedroom, I observed the victim lying in bed motionless. I observed the victim's pants and underwear laying next to her in the bed.

According to the victim's family, she is mute and mentally retarded. The family stated that tests have indicated that she has a mental capacity of a five year old; furthermore, I had difficulty communicating with her. The victim was able to minimally communicate with her mother by using non-verbal gestures. The victim would nod her head yes or no to specific questions. The victim gestured that [REDACTED] entered her room this date, removed her clothing, and also indicated that she was in pain. Officer Monica Woods assisted with communication and was present during the interview with the victim. The victim was examined by a SANE nurse at The Medical Center and a sexual assault kit was collected. The victim had a small bruise located on the inside of her right upper leg and Officer Woods photographed the bruise. Hope Harbor was notified and responded to The Medical Center. Detective Kreilein responded to The Medical Center to investigate this case further.
On 4-21-08, I responded to the Medical Center Emergency Room to assist Officer Myrick with a rape investigation in which the victim is a 21 year old mentally disabled female. She is mute and her family only speaks Spanish. The Medical Center conducted a sexual assault examination and advised testing revealed the victim is pregnant. I was unable to communicate with the victim. When her mother asked her questions she could not or shake her head no. To some questions she gave two responses. She never uttered any sound in my presence.

Officers followed many leads in attempts to locate the suspect, who had fled from the scene last date. His vehicle and personal property remained at the residence.

On 4-22-08, Officer L. Brown advised that the truck had left the location today, within an hour of her passing, by to check when it was there earlier. At approximately 0507, dispatch received a call from Pablo, the victim's mother's boyfriend. At first, there was a language barrier, but I made contact as did other officers. It was eventually determined after speaking with several subjects, that a friend of the suspect's had moved the truck for him. The truck was later located at a family member's residence on Corle Street, but not the suspect. Officers continued to attempt to locate the suspect, going to 80 Mergenthaler Rd, Lot # 418, residence of Brenda Ullanos and her boyfriend, Valentin. That subject, Brenda,

No Probability Factors:

- Witness To Crime
- Suspect Described
- Vehicle Identified
- Limited Opportunity

Officer: M. Woods  Badge: 730  Beat: 30  Complainant's Signature: 2/24/08  Reviewed By: 4/3/08
and Beatrice had already been at the suspect's residence moving his belongings and Valentin moving the truck. The suspect was eventually located hiding in an overgrown brush/wooded area behind 231 Market St 23 Mayford Rd, near Brenda and Valentin's residence. The suspect was detained and transported to the Baltimore Green P.D headquarters.

In the presence of Detective Brett Reilin, I advised the suspect of his Miranda rights which he verbally waived. In a recorded interview, the suspect advised at first he had only had sex with Valentina the victim once a week ago. He then advised twice. He stated the first time of the two was about a month ago. He stated he and Valentina had kept their relationship secret from her mother. He denied having sex with her yesterday. He stated he had gone into the room to have sex with her but her brother who also slept in her room woke up. Frightened, he ran away. He stated he did not know Valentina was pregnant but stated he thinks the baby is his. He consented to a swab(s) of his mouth for DNA.

I arrested the suspect and lodged him at the WCKT on two counts of Rape 3rd. I verbally notified the Commonwealth Attorney's office about this case, by speaking with Mr. Vince Vaughn. I also completed a JC-3. In regards to that, additional information should be noted. The suspect advised in his interview that the two
had sex both times in his room when they were alone in the house. In the JC-3 for this case, I reported that the mother had advised that she never leaves her daughter alone. The suspect stated that once he was alone with Balvinade to have sex, when her mother went to the store and another time when she was working (the first time). He stated the family moved into his house in January. He stated he had sex with her the first time about a month and a half after that. He had already advised that the first time they had sex was about one month ago.

In addition, Brenda Llamas, a friend of the suspect, in searching for Rene, told me. Balvin’s mother had allowed the relationship to go on, however, the suspect advised his relationship was in secret.

Furthermore, on this same date, I spoke with the victim’s mother and Pablo Hernandez, the mother’s boyfriend, to advise them the suspect had been arrested. I requested they notify police if they moved or if they have problems with any family or friends of the suspect. They requested extra patrol for the residence.
<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>DATE</th>
<th>PAGE</th>
<th>REPORT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rape 1st</td>
<td>4-22-08</td>
<td>4</td>
<td>3/13/3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1 NAME</th>
<th>RACE</th>
<th>SEX</th>
<th>DOB</th>
<th>SOCIAL SECURITY NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP</th>
<th>RESIDENCE PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BUSINESS ADDRESS</th>
<th>BUSINESS PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WITNESS SAW / HEARD</th>
<th>INTERVIEWED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2 NAME</th>
<th>RACE</th>
<th>SEX</th>
<th>DOB</th>
<th>SOCIAL SECURITY NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP</th>
<th>RESIDENCE PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BUSINESS ADDRESS</th>
<th>BUSINESS PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WITNESS SAW / HEARD</th>
<th>INTERVIEWED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1 NAME / ALIAS</th>
<th>ADDRESS (Street, City, State, Zip)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DOB</th>
<th>ID TYPE / NUMBER</th>
<th>PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AGE RANCE</th>
<th>SEX</th>
<th>RACE</th>
<th>HEIGHT</th>
<th>WEIGHT</th>
<th>EYES</th>
<th>HAIR</th>
<th>CLOTHING</th>
</tr>
</thead>
<tbody>
<tr>
<td>M / MALE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F / FEMALE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>U / UNKNOWN</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BUSINESS ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ARRESTEE N.</th>
<th>ARREST DATE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>R.4156.4222.4-22-08</td>
<td>4-22-08</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ARRESTEE WAS ARMED WITH: (Mark Up To Two)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 O UNARMED</td>
</tr>
<tr>
<td>10 O FIRED (Type not stated)</td>
</tr>
<tr>
<td>11 O SHOTGUN</td>
</tr>
<tr>
<td>12 O HAMMERED KNIFE</td>
</tr>
<tr>
<td>13 O RIFLE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TYPE OF ARREST:</th>
</tr>
</thead>
<tbody>
<tr>
<td>O UNVIEW ARREST</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DISPOSITION OF ARRESTEE UNDER 12:</th>
</tr>
</thead>
<tbody>
<tr>
<td>H HANDED WITHIN DEPARTMENT</td>
</tr>
<tr>
<td>R REFERRED TO OTHER AUTHORITY</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ARRESTEE WAS ARMED WITH: (Mark Up To Two)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 O UNARMED</td>
</tr>
<tr>
<td>10 O FIRED (Type not stated)</td>
</tr>
<tr>
<td>11 O SHOTGUN</td>
</tr>
<tr>
<td>12 O HAMMERED KNIFE</td>
</tr>
<tr>
<td>13 O RIFLE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TYPE OF ARREST:</th>
</tr>
</thead>
<tbody>
<tr>
<td>O UNVIEW ARREST</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DISPOSITION OF ARRESTEE UNDER 12:</th>
</tr>
</thead>
<tbody>
<tr>
<td>H HANDED WITHIN DEPARTMENT</td>
</tr>
<tr>
<td>R REFERRED TO OTHER AUTHORITY</td>
</tr>
</tbody>
</table>
**COMMONWEALTH OF KENTUCKY**

**CHILD ABUSE, ADULT ABUSE, AND DOMESTIC ABUSE**

**STANDARD REPORT**

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>LAW ENFORCEMENT REPORTING AGENCY</th>
<th>ORI AGENCY ID</th>
<th>AGENCY INCIDENT REPORT NO.</th>
<th>CONTROL NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOWLING GREEN POLICE</td>
<td>1140100</td>
<td>2008-03123</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DATE REPORTED</th>
<th>TIME REPORTED</th>
<th>OFFICER BADGE/ID #</th>
<th>OFFICER NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>04/21/2008</td>
<td>04:00</td>
<td>172</td>
<td>M WOODS</td>
</tr>
</tbody>
</table>

**MATURE NATURE**
- DOMESTIC VIOLENCE/ABUSE (KRS 403.78(1), KRS 229.030(2))
- PHYSICAL ABUSE/NEGLECT (ADULT) (KRS 229.030(3))
- PHYSICAL ABUSE/NEGLECT (CHILD) (KRS 620.030)
- SEXUAL ABUSE/EXPLOITATION (CHILD) (KRS 620.030)
- SELF NOL CECT (KRS 229.030(2))
- NEGLECT BY CARETAKER (KRS 229.030(2))
- EXPLOITATION (ADULT) (KRS 229.030(3))
- SEXUAL OFFENSES (SPouse) (KRS 510)

<table>
<thead>
<tr>
<th>DATE OF INCIDENT</th>
<th>LOCATION ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>04/21/2008</td>
<td>BOWLING GREEN, KY 42101</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>36 Deg 59.707 Min</td>
<td>86 Deg 26.993 Min</td>
</tr>
</tbody>
</table>

**1 of 1 VICTIM**
- NAME: BALVINA
- SOC. SEC. NO.
- RACE: WHITE
- SEX: FEMALE
- DATE OF BIRTH
- PHONE (AM): (270) 222-2088
- PHONE (PM)

**VICTIM INFORMATION**
- LOCATION IF LEFT SCENE

**RELATIONSHIP TO PERPETRATOR**
- CHILD

**ADVISED VICTIM OF RIGHTS**
- KRS 403, KRS 421
- GIVEN RIGHTS INFO (OC-3)

**VICTIM CONSCIOUS**
- YES

**MEDICAL ATTENTION**
- YES

**PHOTOS OF INJURIES**
- YES

**PHOTOS TAKEN BY**
- OFFICER MONICA WOODS

**DESCRIPTION OF INJURIES OR COMPLAINT OF PAIN**
- Victim complained of pain in her stomach and points to

**PERPETRATOR**
- NAME: MARGARITA
- SOC. SEC. NO.
- RACE: WHITE
- SEX: FEMALE

**PERPETRATOR SEVERITY**
- LOCATION IF LEFT SCENE

**OUTSTANDING PROTECTIVE ORDER**
- YES

**NOTICE/SERVICE MADE**
- YES

**PERPETRATOR AT SCENE WHEN OFFICER ARRIVED**
- YES

**WEAPONS INVOLVED**

**DRUGS INVOLVED**
- YES

**PERSON CALLING FOR ASSISTANCE**
- NAME, ADDRESS, PHONE

**PERSON CALLING TYPE**
- FAMILY MEMBER - BROTHER - JUVENILE

**READER REPORT OF ABUSE/NEGLECT**
- YES

**ARREST DATE**
- YES

**CRACKED/HIT (Include Violation of Protective Orders)**

**PROPERTY DAMAGE AT SCENE**
- YES

**REPORT OF ABUSE/NEGLECT**
- YES

**CHARGE(S)**
- INCLUDE VIOLATION OF PROTECTORIAL ORDERS

---

**Page 1 of 3**

**Incident Number: 2008-03123**

**AGENT OF 1140100**

**REPORTED TO: 1140100**
3/25/09

PUBLIC RECORDS REQUEST

Dear Officer Pruitt:

Pursuant to Kentucky Revised Statutes 61.870 to 61.884 I request access to and copies of Bowling Green Police Department records of arrests categorized by race. I would like this information to detail the last 12 months.

I look forward to your compliance within three business days, as the statute requires.

Thank you for your assistance.

Sincerely,

Ashley Belcher
### Arrests by Race and Gender

**From 03/01/08 to 02/28/09**

<table>
<thead>
<tr>
<th>Category</th>
<th>BLACK MALES</th>
<th>WHITE MALES</th>
<th>WHITE FEMALES</th>
<th>BLACK FEMALES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>2170</td>
<td>7948</td>
<td>4689</td>
<td>952</td>
</tr>
<tr>
<td>HISPANIC MALES</td>
<td>136</td>
<td>HISPANIC FEMALES</td>
<td>E. EUROPEAN MALES</td>
<td>E. EUROPEAN FEMALES</td>
</tr>
<tr>
<td></td>
<td></td>
<td>17</td>
<td>60</td>
<td>37</td>
</tr>
<tr>
<td>M. EASTERN MALES</td>
<td>26</td>
<td>M. EASTERN FEMALES</td>
<td>ASIAN MALES</td>
<td>ASIAN FEMALES</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
<td>122</td>
<td>47</td>
</tr>
<tr>
<td>FEMALE OTHER</td>
<td>107</td>
<td>MALE OTHER</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>198</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total HISP</strong></td>
<td>153</td>
<td>O2</td>
<td>&gt;170</td>
<td></td>
</tr>
<tr>
<td><strong>Total Citations</strong></td>
<td>16,511</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Traffic**

<table>
<thead>
<tr>
<th>Category</th>
<th>BLACK MALES</th>
<th>WHITE MALES</th>
<th>WHITE FEMALES</th>
<th>BLACK FEMALES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Traffic</strong></td>
<td>1037</td>
<td>5092</td>
<td>3410</td>
<td>570</td>
</tr>
<tr>
<td>HISPANIC MALES</td>
<td>83</td>
<td>HISPANIC FEMALES</td>
<td>E. EUROPEAN MALES</td>
<td>E. EUROPEAN FEMALES</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10</td>
<td>39</td>
<td>17</td>
</tr>
<tr>
<td>M. EASTERN MALES</td>
<td>19</td>
<td>M. EASTERN FEMALES</td>
<td>ASIAN MALES</td>
<td>ASIAN FEMALES</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1</td>
<td>23</td>
<td>34</td>
</tr>
<tr>
<td>FEMALE OTHER</td>
<td>82</td>
<td>MALE OTHER</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>142</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Traffic</strong></td>
<td></td>
<td>10629</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Criminal**

<table>
<thead>
<tr>
<th>Category</th>
<th>BLACK MALES</th>
<th>WHITE MALES</th>
<th>WHITE FEMALES</th>
<th>BLACK FEMALES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Criminal</strong></td>
<td>591</td>
<td>1840</td>
<td>762</td>
<td>210</td>
</tr>
<tr>
<td>HISPANIC MALES</td>
<td>33</td>
<td>HISPANIC FEMALES</td>
<td>E. EUROPEAN MALES</td>
<td>E. EUROPEAN FEMALES</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td>M. EASTERN MALES</td>
<td>3</td>
<td>M. EASTERN FEMALES</td>
<td>ASIAN MALES</td>
<td>ASIAN FEMALES</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1</td>
<td>21</td>
<td>9</td>
</tr>
<tr>
<td>FEMALE OTHER</td>
<td>18</td>
<td>MALE OTHER</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>30</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Criminal</strong></td>
<td></td>
<td>3549</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Bench Warrant**

<table>
<thead>
<tr>
<th>Category</th>
<th>BLACK MALES</th>
<th>WHITE MALES</th>
<th>WHITE FEMALES</th>
<th>BLACK FEMALES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Bench Warrants</strong></td>
<td>429</td>
<td>792</td>
<td>387</td>
<td>100</td>
</tr>
<tr>
<td>HISPANIC MALES</td>
<td>14</td>
<td>HISPANIC FEMALES</td>
<td>E. EUROPEAN MALES</td>
<td>E. EUROPEAN FEMALES</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>M. EASTERN MALES</td>
<td>3</td>
<td>M. EASTERN FEMALES</td>
<td>ASIAN MALES</td>
<td>ASIAN FEMALES</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>FEMALE OTHER</td>
<td>4</td>
<td>MALE OTHER</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>17</td>
<td></td>
<td>1764</td>
</tr>
<tr>
<td></td>
<td>BLACK MALES</td>
<td>WHITE MALES</td>
<td>WHITE FEMALES</td>
<td>BLACK FEMALES</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
<td>-------------</td>
<td>---------------</td>
<td>---------------</td>
</tr>
<tr>
<td>SUMMONS</td>
<td>13</td>
<td>43</td>
<td>24</td>
<td>17</td>
</tr>
<tr>
<td>JUVENILES</td>
<td>100</td>
<td>181</td>
<td>106</td>
<td>55</td>
</tr>
<tr>
<td>OTHER TYPES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ADD THESE TO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTALS FOR TR,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CRIM, BW,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SUMMONS AND JUV)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VOIDED (TYPE 9)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLANK (NO TYPE)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OTHER TYPE (ANY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TYPE OTHER THAN</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1, 2, 3, 4, 5,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLANK OR NO TYPE)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HISPANIC MALES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DUI</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HISPANIC FEMALES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Bowling Green Police Dept.**

**Name:** [Redacted]

**Address:** Bowling Green, KY 42101

**Date of Birth:** [Redacted]

**Sex:** Male

**Race:** White

**Height:** 5'05"

**Weight:** 130 lbs

**Vehicle:**

- **Make:** [Redacted]
- **Type:** [Redacted]
- **Year:** [Redacted]
- **Color:** [Redacted]

**Violation Date:** 3/16/09

**Violation Time:** 1547

**Location:** 133 Woodford St.

**Charges:**

1. C2384 [Redacted]
2. C2404 [Redacted]

**Post-Arrest Complaint:**

- **Address:** 1001 Center St.
- **Police:** [Redacted]
- **Case No.:** 2007-043986
- **Carried Forовор By Contributor:** [Redacted]
- **Evidence Held:** [Redacted]

**Officer's Signature:** [Redacted]
COMMONWEALTH OF KENTUCKY

V.

JOSE

DEFENDANT

<table>
<thead>
<tr>
<th>Sex</th>
<th>Race</th>
<th>Date of Birth</th>
<th>Height</th>
<th>Weight</th>
<th>Operator License Number</th>
<th>State</th>
<th>Bond Amount</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>W</td>
<td></td>
<td>11/20/1975</td>
<td>506</td>
<td>130</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To the Jailer/Department of Corrections of WCRJ, Kentucky:
You are hereby commanded to release from custody the above-named Defendant who is charged with:

Disposition: PG, 30 DAYS JAIL PROBATED

Next Court Date: 7-15-09

3-17 2007

Date

Signature of Judge or Clerk

Opinion: J}

Distribution: Jail/Corrections  Court File