

Stepfather pleads guilty to aggravated rape

By SHIRLEY L. SMITH
Daily News Staff

A 40-year-old man charged with raping his 11-year-old stepdaughter pleaded guilty Thursday, just as his trial was about to begin.

Visiting Judge Daniel Huyett 3rd. dismissed the 11 woman, one man jury after the man decided to try for a plea agreement with the U.S. Attorney's Office. He changed his plea from innocent to guilty to a charge of aggravated rape.

The Daily News is withholding the name of the man to protect the identity of the minor. The newspaper does not publish the names of rape victims.

The man, who sources identified as a taxi driver, acknowledged raping his stepdaughter on June 12 at his Smith Bay home. Earlier, he told police that he had written a letter to the girl offering her new clothes in exchange for sex.

Huyett ruled the defendant can remain

free on \$10,000 bail until his sentencing. A sentencing date was not scheduled.

After his guilty plea, the man appeared to be sniffing as he left the court room.

As part of his plea agreement with the U.S. Attorney's Office, the government agreed to dismiss a charge of unlawful sexual contact in the first degree, said Assistant U.S. Attorney Audrey Thomas-Francis, who represented the government in the case.

In addition, Francis said the government will recommend the maximum sentence for the defendant does not exceed 20 years.

Francis said an aggravated rape charge carries a mandatory minimum sentence of seven years. If the man had been convicted by a jury, he would have faced a maximum sentence of life, she said.

According to a court affidavit by Police Cpl. Vonie James, the minor said she moved to St. Thomas with her mother from Montserrat on Jan. 27 to live with her stepfather.

The affidavit shows that four months

later, she was molested by her stepfather.

The girl told the officer that in mid-May, her stepfather came into the kitchen while she was washing the dishes and rubbed his hands on her buttocks and breasts.

About the end of the month, she said he left a letter for her which stated that he wanted to have sex with her once or twice a week and that he would buy her clothes to make her look good if she agreed to do so.

Records show the girl gave the letter to her mother, who confronted her husband.

The woman told police that she asked her husband of eight years why he gave her minor daughter the letter and he told her to mind her business. She stated that he also told her that if he had known the girl would show her mother the letter, he would have destroyed it.

The child's mother said she told her husband that since she was new to the island, she would forget about the incident.

The minor said that her stepfather threatened to send her back to Montserrat after her mother confronted him about the letter.

On June 12 around 3 p.m., the girl said that she was at home babysitting when her stepfather came home and told her to go into the bathroom.

Once in the bathroom, she said her stepfather locked the door and told her to take off her clothes. He also took off his clothes. Then, he told her to lie on the bathroom floor and he had sex with her. Records also show the man refused to stop when the girl asked him to.

While they were in the bathroom, records show the girl's mother came home and knocked on the door.

When they came out, the girl said her mother asked her what she was doing in the bathroom and beat her. The girl said she told her mother what had occurred, but she doesn't think her mother heard her.

Her mother said her husband had told her he did not have sex with the girl, and that he only touched her breasts.

Had the case gone to trial, records show the minor, her mother and the medical examiner were all prepared to testify.

Crack addict sent off-island for baby's sake

By SHIRLEY L. SMITH
Daily News Staff

A pregnant crack addict, who was found guilty of grand larceny, has been sentenced to two years in prison after violating her probation on a previous suspended sentence.

Susan Williams, 27, of Building 1, Tutu High Rise showed little emotion Friday as her lawyer, Federal Public Defender Thurston McKelvin, U.S. District Judge Stanley Brotman and U.S. Attorney Terry Halpern discussed what the courts should do with her.

"She is a crack addict. She is pregnant. The best thing we can do for her is keep her in jail in a structured environment," Halpern said.

Williams has violated every order the court has issued, including probation, bail conditions and house arrest, Halpern said.

At least in jail, she is forced to do without crack, a cocaine derivative, which would be the best thing for Williams and her unborn child, Halpern said.

That is, if her child is not already addicted to the drug.

She said Williams' mother has agreed to take the child.

Williams was arrested Nov. 12, 1987, after stealing \$2,000 from a man, while on his boat.

Court records show Williams was given a two-year suspended sentence and put on three years' supervised probation. However, Williams violated her probation.

"She is an admitted crack addict," probation officer Jean Bryansaid.

Bryan said Williams violated four conditions of her probation, including refusing to report to probation officers for regular drug testing.

Plans were being made to send Williams to a drug-rehabilitation center in Philadelphia and pay for her trip back when treatment was completed, Bryansaid.

But Williams stated on her application that she was only going to the drug facility because she

'The best thing we can do for her is keep her in jail in a structured environment.'

— U.S. Attorney Terry Halpern

was forced to. This declaration immediately disqualified her from the program, Bryan said.

Williams cannot receive drug-addiction treatment because none is available at the correctional institutions, and no drug-rehabilitation facilities exist in the territory.

McKelvin expressed frustration with helping someone who is addicted to drugs get back on the streets — or have the courts put them in jail, where they also cannot get the necessary help.

"I'm getting kind of tired myself," McKelvin said.

"This lady is indeed wrong, but she is not a criminal," McKelvin said.

Even, "if she wanted to help herself, in this community she could not do so," he said.

Brotman agreed that the goal of the judicial system should not be incarceration but rehabilitation. However, he said, he can only work with what he has.

He agreed Williams needs to be in a structured environment to kick her drug habit and to make sure her child survives.

Brotman ruled that Williams will have to serve her two-year sentence in a West Virginia correctional facility, where she can receive drug-rehabilitation counseling. He gave Williams credit for the time she has spent in jail.

It is important that Williams be brought back into society and her self-respect restored, Brotman said.

Defense suggests setup in attempted murder case

By SHIRLEY L. SMITH
Daily News Staff

A defense attorney in the case of two St. Thomas men charged with assault and attempted murder Tuesday contended the men were set up on May 19 by a police officer and the officers' brother and brother-in-law.

Jim Hymes said his client Allan Van Putten and co-defendant Anthony Blyden are victims of revenge.

Both Van Putten, known as "Takou," and Blyden, known as "Tony Blacks," were arrested May 19 following an incident in Anna's Retreat and charged with attempted murder, possession of an unlicensed firearm, first-

degree assault and possession of dangerous weapons.

More than 40 people attended the first day of the trial Tuesday, which is expected to last several days.

Assistant U.S. Attorney Mark Bonner, representing the government in the case, said in his opening remarks that Van Putten, 25, assaulted Clarence Husband III on May 18 with an aluminum bat, then went to Husband's home the following night prepared "for some bloody work."

Although Hymes conceded his client struck Husband, he said Van Putten only did so because Husband threatened to come after him with a gun.

The May 19 incident erupted, Hymes said, because Husband

was embarrassed about the incident and out for revenge.

Hymes said Husband tried to run down Van Putten on May 18 when he saw him in the street. Hymes also accuses Husband, his brother, St. Thomas Police Officer David Husband, and his brother-in-law, Paris Nicholson, of planting several guns in Van Putten's and Blyden's car on May 19.

Hymes said that on May 19, Blyden hitched a ride home with Van Putten. While they were driving through Donoe Bypass, Clarence and David Husband and Nicholson intercepted the car.

Hymes said Clarence Husband and Nicholson got into the car driven by Van Putten, put Van Putten and Blyden in the back

seat, then drove to the Husbands' house in Anna's Retreat.

Hymes said David Husband drove the other vehicle home. The men then beat Van Putten and Blyden at the Husbands' residence, resulting in a trip to the hospital.

Bonner cited a different version of the events.

He said on May 18, Clarence Husband, a security guard, and an associate, Derick Jackson, completed their shift at Hus and Nic Security and headed for Asfour Department Store to do some shopping.

Bonner said Clarence Husband was driving downtown when he saw Van Putten standing in the middle of the road talking with

two people. Clarence Husband blew his horn, but Van Putten refused to move.

Both Jackson and Clarence Husband testified that Van Putten turned around and cursed Husband. Clarence Husband said Van Putten dared Husband to run him down and said, "If you don't kill me, I know where you live."

Clarence Husband said Van Putten called him by his nickname "Snooks." However, Clarence Husband said he did not recognize Van Putten, who was wearing locks, and it was only later that he realized Van Putten was an old classmate.

Clarence Husband and Jackson said they continued on their way

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Defense

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and parked in front of Asfour store.

He said while in the store, they encountered Van Putten who was carrying a bat.

The owner of the store, Ibrahim Asfour, said he didn't know if Van Putten was in the store first, but recalls Van Putten asking him about a shirt prior to the confrontation with Clarence Husband.

Clarence Husband said Van Putten walked up to him in the store with the bat and threatened him; he and Jackson then left the store. Clarence Husband said Van Putten followed them and struck him with the bat on the head from behind. He said he blacked out for a few minutes.

Clarence Husband was bleeding heavily and had to be taken to the hospital shortly after the incident, Bonner said. Clarence Husband said he received 13 stitches.

The following night, Clarence Husband said he and Nicholson, his brother-in-law, were going to Husband's home in Anna's Retreat to drop off a guard dog when they saw a car reversing into Husband's driveway with the car lights off.

Clarence Husband said he drove in front of the car and turned on his bright lights. He said he saw the driver of the car was Van Putten. Another man was also in the car.

He said he told Paris this was the same guy who attacked him. Paris got out of the car with his gun and told the men to get out of their car.

Van Putten came out and put his hands on the car as directed, but Blyden did not. When Blyden finally got out of the car he was holding what appeared to be a weapon, Clarence Husband said.

Clarence Husband identified the gun in court as an automatic machine gun. It was one of four guns found in the defendants' car, as well as a silencer, Bonner said.

Clarence Husband showed the jurors how Blyden allegedly pulled the chamber of the gun in an attempt to fire it at him.

Clarence Husband said he rushed Blyden after seeing the weapon and the two fought — Van Putten and Nicholson also fought. During the struggle, Bonner said a gun fell from Van Putten's jacket.

During the fight, Husband said his brother, David Husband arrived home and started to run down the steps to their house to call the police when he heard him yell out that one of the men had a gun.

Clarence Husband said his brother then fired several shots at the defendant's car to get their attention.

Bonner showed jurors a camouflage jacket and several weapons he said were found in the car. He said that "herb hats" and a stocking mask used to conceal someone's face also were found.

Testimony revealed that one of the guns found at the scene of the fight had belonged to Clarence Husband.

Clarence Husband testified he reported the gun missing several years ago, but could not recall if the officer taking the report wrote anything down. He also couldn't recall the officer's name.

Hymes said the gun belonging to Clarence Husband was found by the Husbands' house with blood stains on it. He said the FBI was to conduct a test to determine whose blood was on the gun, but, "Yesterday, I received a report from the FBI that Mr. Bonner instructed them not to do the test," he said.

Mary Paul pleads innocent to involuntary manslaughter

By SHIRLEY L. SMITH
Daily News Staff

Mary Paul, wife of former St. Thomas Sen. Alli Paul, pleaded innocent Thursday in Territorial Court to a charge of involuntary manslaughter.

The 32-year-old woman was arrested Nov. 6 and charged with the death of her eight-day-old infant who died Jan. 6 in a fire at her Hospital Ground residence.

Court records allege Mary Paul left her infant unattended with a candle burning on her bed.

Fire Marshal Ian Williams said the apartment did not have electricity and candles and matches were found in the baby's room.

Officials said a lengthy investigation caused the 11-month delay in filing charges against Mary Paul.

U.S. Attorney Terry Halpern said when police turned the case over to her office, further investigation determined the case did not fall under the U.S. Attorney's Office jurisdiction. It was referred to the Attorney General's Office in June.

The U.S. attorney prosecutes on-

Officials said a lengthy investigation caused the 11-month delay in filing charges against Mary Paul.

ly those cases which carry a maximum sentence of more than five years. The maximum for involuntary manslaughter is five years.

Medical Examiner James Glenn said the child, Jamie J. Paul, died of asphyxia due to toxic fumes and heat inhalation caused by the fire. The child also suffered third-degree burns.

Mary Paul told police after the incident that she and her three children went to bed around 9 p.m. on Nov. 6.

She said her daughter, Allison, and the baby slept in one bedroom while she and her son Brandon slept in another.

Mary Paul said she lit a candle and placed it on a night stand in Allison's and the baby's room. She said she was awakened when she heard Allison screaming and saw smoke coming from the bedroom.

However, a police investigation conducted by Cpl. Reynold Fraser revealed that two witnesses said

they saw Mary Paul outside her apartment at the time of the fire.

One witness said that around 10:15 p.m., she smelled smoke and heard two children crying out "Mommy, Mommy."

When she looked outside, she said she saw Mary Paul standing at the foot of the steps to the apartment building and heard her say, "Oh my God, fire."

Another witness said she was standing in front of the building when she saw Mary Paul walk up from behind the building. This witness said when Mary Paul noticed that the fire was in her apartment she yelled, "my kids are in there, my kids are in there."

The police investigation also revealed that the fire started in Alli and Mary Paul's bedroom in the bed where the baby was sleeping.

Mary Paul was released on a \$10,000 unsecured bond pending her as yet unscheduled trial.

2 suspects in Donoe shooting plead guilty

By SHIRLEY L. SMITH
Daily News Staff

Two of four suspects charged with opening fire on a group of people in the Donoe Housing Project Aug. 12, resulting in one death, pleaded guilty Wednesday in District Court.

A sentencing date has not been set. Three people were injured in the incident.

Avery "Ola" Lans, 22, and Glenn "Culture" Gumbs, 23, changed their pleas from innocent to guilty to two of the 12 counts filed against them after reaching a plea agreement with the U.S. Attorney's Office.

The two were originally charged with conspiracy, first-degree murder, attempted murder, first-degree assault, unauthorized possession of firearms, possession of stolen property and third-degree assault.

Lans, who police investigators say fatally shot Jeffrey Thomas, 18, pleaded guilty to a lesser charge of second-degree murder and to unauthorized use of a firearm.

He now faces a minimum sentence of five years, but the judge is not bound by a maximum sentence. He may become eligible for parole at some point, U.S. Attorney Huge Mabe said.

Gumbs pleaded guilty to at-

tempted murder and unauthorized use of a firearm.

The maximum sentence on an attempted murder conviction is 25 years, Assistant U.S. Attorney Azekah Jennings said.

The firearms charge carries a minimum sentence of five years and a maximum of 10 years without probation, Jennings said.

Other charges against the defendants were dismissed by the U.S. Attorney's Office as part of the plea agreement.

If the case had gone to trial, both men would have faced a possible sentence of life without chance of parole.

The incident stemmed from a party in Donoe, which began on

the evening of Aug. 11 and lasted into the early morning hours of Aug. 12.

According to an affidavit by Reynold Fraser, a police investigator, Lans got into a fight during the party with Spencer Alexander over Alexander's girlfriend, who Lans allegedly was harassing.

During the fight, Fraser said, Gumbs intervened. Alberto Roberts also intervened and tried to hold Gumbs. Gumbs' neck chain was broken in the scuffle.

Gumbs, who apparently got upset, told Alexander and Roberts that Gumbs was going home to get his Uzi machine gun, and if he has

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to kill anyone he will, Fraser said.

Lans and Gumbs then left the scene, but returned later in the afternoon with two minors, both 17, looking for the men with whom they had fought.

Fraser said witnesses testified that all four were armed with guns, which they tried to conceal.

Fraser said the men stopped in front of a group of people playing cards and opened fire on them after Jeffrey Thomas said, "If you are going to mess with anyone up here, you're going to have to mess with all of us."

Court records show Lans then shot Thomas, identified as Alexander's brother, twice with a .223 assault rifle.

Thomas died at the scene, Fraser said.

He said witnesses said Gumbs shot Alberto Roberts twice in his left shoulder after Roberts attempted to pick up a broom stick to knock the gun out of Lans' hand. Alexander was wounded in the right thigh, and Welworth Roberts, Alberto Roberts' brother, was wounded in the knees.

All four suspects fled the scene after the shooting. Gumbs and one of the minors turned themselves in

to police a week later. Police apprehended Lans and the second minor Aug. 19 in the bushes near the University of the Virgin Islands, where they were hiding.

Lans was hospitalized after being shot by police several times when he resisted arrest and opened fire on police officers.

The two minors also face charges of first-degree murder.

However, information on a possible decision to try them as adults was unavailable late Wednesday.

Since they are minors, their names cannot be made public.

David's verdict: innocent

By SHIRLEY L. SMITH
Daily News Staff

Denise David, the Taxi Commission employee on trial for embezzlement, was acquitted late Tuesday afternoon.

The jury of 10 women and two men deliberated about three hours before handing down not guilty verdicts on all seven counts of embezzlement, fraud and grand larceny.

David stood in the courtroom on the verge of tears as she faced the possibility of spending 10 to 40 years in prison.

When the verdict was read, it was the first time during the three-day trial that she lost her composure and tears came to her eyes.

The verdict was in, and she was free to go.

"Thank God," David exclaimed afterward.

"I'd like to say I'm very grateful. I'm not guilty. I'm not guilty — that was the verdict," David said as she yelled her thanks to the jurors as they left St. Thomas' District Court.

"I'd like to express special thanks to the people who helped me the most. My father, Jean David, and attorney (Samuel) Hall for all the hours he put in. He is very dedicated," David said.

David, 34, said she did not know whether she will continue working for the Taxi Commission as its administrative assistant.



Daily News Photo by HILLARY HODGE

Denise David smiles Tuesday afternoon as she waits outside District Court, St. Thomas, for the verdict.

Assistant U.S. Attorney James Hurd Jr. had no comment.

Hurd presented nine witnesses during the trial, trying to prove that David misused her authority at the Taxi Commission and as a certified collector with the Licensing and Consumer Affairs Department.

But in the end the verdict

seemed to be a question of credibility — of taxi drivers Joseph Thomas and Michael Charles against David.

The issue also might have been complicated by Hall's charges that David's supervisor was the real culprit and David was his pawn. However, Visiting District Judge Daniel

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David

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H. Huyett told jurors to discount Hall's charges, saying "Only Denise David is on trial here."

Thomas and Charles both claimed David offered to sell them a taxi medallion that would allow them to start their own business, as opposed to leasing a medallion from someone else.

Thomas said he met David at her home Nov. 11 and Dec. 12 and paid her \$4,000 each day for a certificate of entitlement, a set of license plates with the number TP 1252 and a medallion with the number 1160.

He said he did not receive a receipt from David for either transaction.

Hurd in closing arguments said David also overcharged Thomas by \$150 for a business license.

Charles testified that David approached him on the street and offered to sell him a taxi medallion for \$7,000 to \$10,000, and as a measure of good faith gave him a set of plates and a certificate of entitlement with the license number TP 1250 and a medallion number identified as 1132.

He said the transaction took place early in the morning on Main Street, outside the Taxi Commission office.

But Charles testified that David backed out of the deal when he suggested taking out a loan from

the bank and consulting an attorney.

In David's testimony she denied any transaction taking place at her home or outside the Taxi Commission office. She admitted issuing the certificate of entitlement, plates and medallion to Thomas but said this was done at the request of her boss, Douglas Williams.

Williams is the Taxi Commission's executive director whom defense attorney Hall attacked throughout the trial as using David as a "scapegoat" in an embezzlement scandal that Williams was behind.

David also admitted collecting \$250 from Thomas for a business license but she said she did not know why he had to pay that amount of money.

She said business licenses cost only \$100.

Hall in his closing arguments said David and Williams had a close relationship before David began objecting to signing receipts and documents he should sign.

Hall also mentioned that in a 1988-89 audit, the revenue audit bureau asked Williams to stop collecting funds. This occurred after he was found with \$13,000 in un deposited commission money in his briefcase.

Hall also mentioned that

David's keys to the vault where the medallions were kept were lost last year and Williams never replaced them. Medallions had not been inventoried for 5½ years, he said.

In addition, David was not allowed to review application files to look for applications she said she had for Thomas and Charles, Hall argued. She was allowed to look for files only about a week before the trial, and Williams was the person asked to supply the files.

Hurd said in an interview that David during the investigation did not bring up the information about the applications. Investigator Alda Allan said the Taxi Commission has no such files, only request forms.

Hall said Thomas and Charles continue to operate taxis even though the police motor vehicle bureau has no documentation that they are leasing or own a medallion. Sgt. Ramon Ortiz, bureau supervisor, testified that a letter usually is sent to his office whenever a medallion is sold or leased.

Hurd would not comment on whether any other Taxi Commission members were being investigated.

Of the three medallions missing — 1160, 1132 and 1277 — the government recovered only medallion 1160, he said.