

September 6, 2009

Women's role in sex crimes resurfaces as issue

Sacramento Bee

Posted: 09/06/2009 09:22:50 AM PDT

Updated: 09/06/2009 10:19:03 AM PDT

Charlene Williams of Sacramento lured six teenage girls and four young adults to their deaths as her husband demanded the perfect "sex slave."

Michelle Lyn Michaud, also of Sacramento, customized curling irons to help her boyfriend torture and murder a 22-year-old student abducted from a Pleasanton street.

In Utah, Wanda Eileen Barzee was accused of helping her husband kidnap 14-year old Elizabeth Smart at knifepoint from her Salt Lake City bedroom so that he could secure another "wife."

Now along comes Nancy Garrido of the Bay Area. Like the others, Garrido is accused of teaming up with a male partner — in Garrido's case, her husband of nearly three decades — and allegedly committing unthinkable crimes against other women and children.

The arrests Aug. 27 of Nancy and Phillip Garrido revealed a stunning story about the 1991 kidnapping of 11-year-old Jaycee Lee Dugard, snatched off the street near her home in Meyers. Authorities say Jaycee, now 29, had been living for 18 years in the Garridos' backyard near Antioch and is the mother of two children fathered by Phillip Garrido.

While attention focuses on Phillip Garrido's history of sexual assault, his reduced prison term and evasion of parole oversight, the case also raises haunting questions about what role his wife may have played.

Was 54-year-old Nancy Garrido a full-fledged accomplice and co-conspirator, who willingly participated in the crimes?

Was she a victim herself, a woman brainwashed or beaten into submission? Or was she something in between?

"Obviously, this is not normal behavior, unless she's a total sociopath," said Linda Barnard, a Sacramento marriage and family therapist and an expert in so-called "intimate partner battering."

"There's something going on here that will come out," Barnard said.

Accused seen as victims

Barnard has testified in numerous criminal trials in which defense attorneys have sought to minimize their clients' guilt by portraying them as victims, too. In crimes involving male-female partners, she explained, the dominant one often gains power and control by isolating and threatening the other.

Little is known publicly about the middle-aged woman recently seen in court with graying hair and oversized eyeglasses. Phillip Garrido's brother has said Nancy Garrido was "a robot" under her husband's control, and she would "do anything he asked."

She had been certified as a nursing assistant in the state of California from March 1989 until July 1995, when she did not renew her certification, according to a spokesman for the California Department of Public Health. She met her husband-to-be while he was serving a 50-year federal prison term in Leavenworth, Kan., for the 1976 abduction and rape of a Tahoe-area woman.

But Phillip Garrido was out of custody by August 1988, and the two no longer were separated by prison walls.

Jaycee Lee Dugard disappeared on June 10, 1991.

Barnard said sex crimes involving collusion by women are rare and tend to appear in cult-type cases. In 2006, for instance, two Texas women stood accused in Sacramento federal court of molesting their own children under the guise of religious ritual. Earlier this year, cult leader Allen Harrod of Folsom was convicted in that case. One of the women received a 14-year sentence.

Phillip Garrido kept his own religious-themed blog, in which the most recent post announced that "the Creator has given me the ability to speak in the tongue of angels "

Sympathetic jurors unlikely

Whatever Nancy Garrido's story turns out to be, she will not get much sympathy from prospective jurors or the public, Barnard said.

"Even if he brutalized her from day one, she's still not going to get any sympathy, because she's an adult," the therapist said. "And when an adult does not do something to intervene and take care of a child — and it's an adult woman — juries have no sympathy."

Nancy Garrido's court-appointed attorney, Gilbert Maines of Placerville, did not return phone calls from The Bee. But in an interview last week with NBC's "Today" show, Maines said his client "seems to be a little lost." The attorney said he would "pursue every avenue that was available," and that he planned to have his client evaluated to assess her state of mind.

Authorities say Nancy Garrido may have been the one who actually grabbed Jaycee while she headed for her school bus stop near South Lake Tahoe. A drawing of the female suspect seen driving away with the girl resembles photographs of the woman now in custody in El Dorado County.

Her attorney, who said in his televised interview that he had seen his client once, described her as "distraught" and "scared." Both of the Garridos face numerous felony counts that could send them to prison for life. They have pleaded not guilty.

"The question now is, is the prosecution thinking of making a deal?" asked criminal law expert Bennett Gershman, a law professor and former special state prosecutor in New York.

Partners' testimony sought

Gershman said in similar cases, prosecutors often have pressured the wife or girlfriend to testify in exchange for more lenient treatment.

In the courtroom, the outcomes for these women have been mixed.

Charlene Williams of Sacramento was released from prison in 1997 while her serial killer husband, Gerald Gallego, died of cancer in 2002 at a prison hospital in Nevada. Gallego had been sentenced to death after Williams agreed to tell prosecutors the details of their murder spree between 1978 and 1980, which left 10 people dead.

Williams admitted she had trolled for "sex-slave" victims for her husband, luring four of the teenage victims from Sacramento-area malls.

Michelle Lyn Michaud, also of Sacramento, was sentenced to death for her role in the 1997 kidnap, rape and murder of a 22-year-old student. During the trial, defense attorneys portrayed Michaud as a battered woman who would do anything to please her boyfriend, James Daveggio, who also was sentenced to death.

Ironically, Michaud and Daveggio also trolled the Tahoe area and came under scrutiny for Jaycee's kidnapping.

The Utah woman charged along with her husband in the 2002 kidnapping of Elizabeth Smart was found incompetent to stand trial and has been forced to take medication. Last week, a judge set a November date for the competency hearing of Barzee's estranged husband, Brian David Mitchell.

A 'Deal With the Devil'

One noted criminologist said he believes that some female offenders actually have benefited by the persistent notion that women could not possibly be the leaders — especially in a sex crime.

"The court typically throws the book at the man, believing that he was the instigator — that he initiated the attack. So he'll get the death penalty," said Jack Levin, a professor of sociology and criminology at Northeastern University in Boston.

"His female companion is considered an accomplice who went along for the love of her man. She gets a much lighter sentence."

That view is not always accurate, said Levin, an expert in serial murder and hate crimes.

In one case in Canada, he said, a woman caught up in a rape and murder case involving teenage victims testified against her husband in exchange for leniency.

In a move decried in Canada as the "Deal With the Devil," Karla Homolka got a 12-year sentence in 1993 for manslaughter in the murders of two Ontario teens.

Motivations vary widely

She is now believed to be living in Paris, Levin said. Her former husband, Paul Bernardo, was sentenced to life in prison in Canada, which does not have the death penalty.

But after the deal was struck, Levin said, videotapes showing the rape and torture of the schoolgirls revealed Karla Homolka was a willing participant.

"She was seen enjoying herself and participating fully," he said. "Karla Homolka was just as guilty as her husband."

But women in these types of cases can also fall into the category of being so passive they "just go along with the plan," said David Finkelhor, director of the Crimes Against Children Research Center at the University of New Hampshire.

He said besides women who are battered or psychologically controlled, some are simply "low-functioning" and dependent on their mates.

"It's not like there's a single profile," he said.

Law professor Gershman said he believes the case against Nancy Garrido ultimately will hinge on the skills of the courtroom attorneys — and the portraits they draw of this woman, who met and married a convicted sex offender.

"It could all come down to a battle of the experts," he said.