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One Woman's Survival of the California Justice System†

Jennifer Colasuonno††

I shot and killed my husband as he slept after two and a half years of an abusive marriage. My children were outside of our house at the time; I pushed my daughter in a stroller and held my son's hand as we walked to a phone booth where I called the police. I was immediately arrested and my children were placed in emergency foster care because of my crime. This happened in 1982.

I was able to make bail three months later and worked two jobs until my trial one year later, living with my children at my parents' home in Ohio. I was convicted of voluntary manslaughter and sentenced to serve six years in the California prison system. Working reduced the sentence to a total of three years.

The definition of voluntary manslaughter given to the jury at my trial included "an honest but unreasonable fear of imminent bodily harm or injury." My argument was that I had little defense against a man who had hit me, beat me, raped me, forced me to commit acts of prostitution, and held my children hostage. The twelve men and women in the jury felt a "reasonable" woman would have been able to leave.

I acknowledged I had committed a crime and was prepared for a "punishment," yet when the Judge sentenced me to six years I could only worry about how this would further affect my children—because of my own doing!

When I was first arrested, my son, at age two and a half, regressed to wearing diapers and making baby sounds. The social worker explained that he "lost" both parents at the same time and arranged for once-a-week visits. But upon sentencing I was immediately remanded into custody and my children stayed in my parents' home in Ohio. My parents refused to bring them to visit. I was looking at three years of not seeing them at all and one ten minute phone

† The author is an ex-battered woman who was convicted in 1983 of voluntary manslaughter for the shooting of her abusive husband. She served a three-year prison term in the California Institute for Women. A mother of two children at the time of her conviction, she participated in a mother/infant program that enabled her to complete her prison term in a community setting with both her children. Since her release, Ms. Colasuonno has been an activist for women in prison, particularly for mothers seeking to retain custody of their children.

This essay is an adaptation of Ms. Colasuonno's remarks at the Conference, *Feminism in the 90s: Bridging the Gap Between Theory and Practice*, with a short excerpt from her manuscript *All Our Kittens Were Free*.

†† It was exciting to participate and speak at the Conference. I met women with similar experiences and at some point, sharing becomes healing. November 1991, San Jose, California.

call a week . . . as my son regressed further, developing a stutter, fevers (he thought if he became sick and went to the hospital, I would come see him), and refusing to eat. My children were being punished, too, and there was nothing I could do for them.

While incarcerated, I wrote letters and sent drawings to my children every other day until my sister told me it would be better if I sent them something every day. So I created cards, finger puppets, stories, paper dolls, and stickers, trying to bridge the distance. I learned of a Mother-Child Program where a mother could serve time with her young child(ren) in a community setting—then learned that it was only available for women with only four months left to serve, even though the law allowed for participation with women with sentences of up to six years. It took an incredible amount of letter writing, the help of the Legal Services for Prisoners with Children, the ACLU, and a fortunate computer error to enable us finally to spend the last two years of my three year sentence together. When we were reunited, my children immediately showed amazing progress. I know they are now healthy and at their age level because of this California program.

What follows is an excerpt from my book, All Our Kittens Were Free, which has not yet been accepted for publication.

* * * * *

I was brought before the Judge for sentencing. I could have been given probation. I could have been given the minimum sentence of two years. The probation officer's report admitted that I was not a threat to society, would probably never repeat the offense, and had proven to be a productive citizen while I was out on bail. But due to the heinous nature of the crime, even with the mitigating circumstances, I had to be punished. (He also wrote that I was either the most honest person he'd ever met or the most accomplished actress; but he couldn't decide which.) I had to be punished.

Before pronouncing sentence, the Judge said he found me to be a "strange person." That hurt me more than anything the Psych's or the D.A. had made up because the Judge had been kind to me while I was on the stand. That he was a Judge and thought me "strange" made me feel even more terrible.

I would have to agree with the Judge now. It was a strange young woman who thought she couldn't tell her parents or anyone what was going on; couldn't say "no" to a man ordering her what to do and how to live; couldn't find a way to raise her children in a non-threatening environment; couldn't figure out a way to leave; and was so sickeningly helpless it makes me want to vomit.

The Judge gave me six years.

* * * * *

I was sent down south to CIW, the California Institution for Women, the only women's prison in the state at the time. I was transported by van, thankfully, because I'd heard that some of the inmates were flown down in an old crop-duster plane with only one parachute—for the pilot. I didn't want anything to happen to me until I could see my children again.

It was a long, dry trip, with a mesh grill between the driver and the inmates. No one spoke much. Our ankles were chained together the entire time until we arrived at the prison's back entrance. We jumped down from the van and the driver unlocked our chains while a matron unlocked the double glass doors to admit us. She motioned us forward while the chains clanked together, thrown into the van behind us. It was so hot spit would have evaporated before it hit the concrete.

* * * * *

"Hi, Mom, it's me. Everything's OK"

"Look, your Dad and I think you're going to have to cut down on these phone calls, it's too expensive," my mother said.

"How could Dad say that? I only get one call a week."

"Isn't there some way we can call you?—It's just too much."

"No, you can't, I'll find a way to send you money for the phone calls. Couldn't you just take it out of the kids' money for now?" She didn't answer, and I didn't want to waste my remaining minutes. "Can I talk to Jay now?"

"Hi, Jay, it's me, Mommy. Are you being a good boy?"

He asked me when I was coming home.

"I'm sorry, honey, but Mommy can't come home for a long time" (He said I KNOW THAT and he sounded angry. I don't want him to be angry, I want him to understand.) "I know you know that already, you're such a big boy, but I promise I will come home, but not for a long time. Did you get my letters?"

"Yes, that's right, the Gingerbread Boy got all ate up! What? I can't hear you." Please put someone on the phone to tell me what he's saying.

"Mommy loves you, take care of your sister . . ." in an abruptly cut-off ten minute phone call.

* * * * *

After eight months, my sister Lynn was able to arrange a visit for us. They came in through the front entrance of the prison. I came in from the yard. I looked at them first through two glass partitions, and I didn't remember the beauty and growth of Diana. I jumped and waved and held up marking pens, laughing. Diana had learned to talk since I had left. Lynn said she kept repeating, "My Mommy is so happy!" But Jay just stared. My son, who had

talked before he could walk, was drooling. I waved. They had to be “processed” before I was, and I couldn’t wait to get to the Apartment Living Unit with them. I had hand-sewn little bear puppets for them as presents.

I needed my sister in the apartment with us, although she probably would have liked a few days alone with her husband. (Seventy-two hours, exactly.) I was afraid the kids might be afraid of me or not want to be away from my sister. Or they might make reference to something I couldn’t understand.

After all the visitors were upstairs in their separate units, the guards processed the inmates. Processing meant a strip search and an examination of belongings being taken in. I had a huge box of things—badminton rackets checked out from the Recreation Center, checkers, crayons, coloring books I made in Graphic Arts, watercolor brushes and paint, shampoo, towels, the puppet presents gift-wrapped in discarded cookie tins—the guard was angry I had so many things.

Finally I was able to lug that big cardboard box up metal steps behind the guard to the APARTMENTS!

“Besides the list of rules you have received, you must not fraternize with other inmates having visits or their guests or your visit will be immediately terminated. You must not signal or contact other inmates in the yard while you’re with your guests or your visit will be immediately terminated. You must leave this Unit clean the way you found it.”

Who would possibly want to talk to other inmates with my little family behind this door? OK, OK, open the door. Please. The guard turned to go. The door wasn’t locked! I walked through the doorway.

I TOUCHED MY CHILDREN! We hugged, we laughed, and right away we climbed in the coat closet and played rocket ship to the moon, counting backwards ten-nine-eight . . . to BLAST OFF! shaking the sides and pounding the wood with our feet, making rocket sounds—until the guard came back upstairs and told us not to.

My son slowly came out of his trance.

We put away groceries together and Diana dropped and broke a glass jar full of sweet pickles. I cleaned up quickly, laughing as she said, “Oooh, pickles,” in a high little Mickey Mouse voice. She was worried we’d have to throw them away, she liked pickles. I washed a few off in the sink for her. We played and colored and talked. We sang songs together; they knew me, they loved me!

I pulled their presents out of the box and we played with “Bobby Bear” and “Buffy Bear.” I showed them a huge cardboard calendar I’d made with the three years divided by squares. Each square was a month. I cut thirty-six bright orange suns out of adhesive-backed paper from Graphic Arts (the kids loved stickers) and we got down on the floor and covered the eight months already gone by. One sun fit neatly into each square. I wanted to show them that the time would go by.

Within an hour Jay seemed to return to his former self; even Lynn remarked on it. Sometimes I try to prepare too much: while Diana took a nap, I told Jay that this was just a visit, that he would be leaving in two more days. I should have waited, because he was sad and feverish off and on after that (though he never regressed back to the way I had seen him through the glass). We were able to go outside to a little yard and I hugged and rocked his frail body back and forth. He responded by patting my back.

Walking back up the hallway to the steps to the apartment, Jay pointed to the way he had entered the Institution through the front glass doors and the manicured lawn. He said,

“When we leave, you can walk out that way with us.”

I said, “No, Jay, I can't. I have to stay until my time is done. What I did was wrong, and this is my punishment. I have to wait until my time is up.”

He was insistent. “You can walk out with me when I go. Just like now,” he said, looking at my legs.

“No, Jay. They won't let me go.”

“How will they stop you?” he asked.

“They will hold me.” (They have guns. And if I tried to get past them they would shoot me.)

I didn't want to frighten him. “They will hold me back, Jay. I'll come back to you when my time is up.”

* * * * *

These events took place almost ten years ago. I have since re-married an aerial photographer; we both work full-time and share parenting. My children are at their grade-level and healthy.

I was/am a case study in domestic violence. I speak about my experience to give women and men information. I was proud to speak at the Conference amidst judges, lawmakers, and activists. One of the questions I was asked was how to identify potential batterers. There are warning signs, but of course, not all people fit into categories.

These are the signs of a potential batterer:

- 1. Extreme jealousy (appears flattering at first, then unreasonable)*
- 2. Excessive sexual demands (a form of dominance)*
- 3. Excessive interest in guns and weapons*
- 4. Cruelty to pets and animals.*

The problems battered women face are numerous. While I was in the battering relationship, I felt I had no ability to get away from my ex-husband. He monitored everything. I felt my only way out of the threats, beatings, and prostitution was to disable him so he wouldn't be able to come after us. If I

had had more information on this subject, this tragedy might have been avoided. I unofficially counsel women in their relationships constantly, and one of the most effective phrases I repeat is that no one deserves to be beaten: "It's not OK for him to hit you." I spread the word about shelters and hand out hotline phone numbers. And I tell the woman she is attractive, intelligent, and deserves more. A woman who is beaten physically or psychologically feels bad about herself and blames herself for not being able to change it. She suffers from low self-esteem, making it even harder to see objectively that she doesn't deserve to be treated that way. Not every battered woman I talk to leaves her situation, but the more people tell her it's not OK, the closer she will come. I call it planting a non-judgmental seed.

"It's not OK for him to hit you."