

APPLICATION FOR ASSOCIATE CIRCUIT JUDGE
SIXTH CIRCUIT JUDICIAL COMMISSION
PLATTE COUNTY, MISSOURI

RESPONSE TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS SELECTED AS A NOMINEE.

NAME: Roseann Ambrosia Ketchmark



1. State your present principal occupation: **Executive Assistant United States Attorney, Western District of Missouri**
2. Are you at least twenty-five (25) years of age? **Yes**
3. (a) How long have you been a citizen of the United States? **46 years**
(b) Have you been a resident of Platte County for at least one year immediately prior to the date of this application? **Yes**
(c) How long have you been a qualified voter of Missouri? **22 years**
4. Are you licensed to practice law in Missouri? **Yes**

List any other states, courts, or agencies in which you are licensed as an attorney:

United States District Court, Western District of Missouri
United States Court of Appeals, Eighth Circuit

5. State the date you were admitted to the Bar in Missouri: **September 21, 1990**
(a) Missouri Bar Number **40697**
(b) Are you currently a member in good standing of the Missouri Bar? **Yes**

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all law schools, colleges, and universities you have attended, together with the dates and degrees received:

University of Oklahoma, Norman, Oklahoma
Bachelor of Science in Nursing - May 1986

University of Kansas School of Law, Lawrence, Kansas
Juris Doctorate - May 1990

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

1969 to May 1986

Geffre's Furniture & Appliances 208 NW 4th, Lindsay, Oklahoma

Furniture duster at age 6 years for our family store. Quickly promoted to envelope stuffer and ended furniture career, after undergraduate studies, with sales and bookkeeping duties.

July 1986 to July 1987

Lindsay Municipal Hospital Highway 19 West, Lindsay, Oklahoma

Registered Nurse. Assigned the night shift, which had no physicians on duty. Frequently served as the lead R.N. whose responsibilities included the Intensive Care Unit and Emergency Room.

Aug. 1987 to Aug. 1990

Olsten Temporary Nursing Services North Oak Traffickway, Kansas City, Missouri

Temporary Registered Nurse. Worked weedends and occasional evenings in the Kansas City metropolitan area hospitals. Most frequently worked at Research Hospital and North Kansas City Hospital.

June 1989 to Aug. 1989

Johnson County District Attorney's Office 100 N. Kansas Ave., Olathe, Kansas

Law Intern. Performed legal research, drafted legal memoranda, and assisted with trial preparation.

Jan. 1990 to Sept. 1990

Jackson County Prosecutor's Office 415 East 12th Street, Kansas City, Missouri

Law Intern. Performed legal research, drafted legal memoranda, prepared jury instructions, assisted with witness preparation for hearings and trials, conducted witness questioning and argued points in court hearings.

Sept. 1990 to Jan. 1995

Jackson County Prosecutor's Office 415 East 12th Street, Kansas City, Missouri

Assistant Prosecutor in the Sex Crimes Unit. Participated in numerous jury and bench trials. Served as first chair in thirty-one (31) trials. Mentored newly-hired attorneys and law students.

Jan. 1995 to Oct. 2001

Platte County Prosecutor's Office 328 Main, Platte City, Missouri

First Assistant. Managed and supervised the staff of seven attorneys. Prosecuted a variety of state felony and misdemeanor offenses, including traffic violations, bad checks, assault, vehicular manslaughter, narcotics, crimes against children, sex crimes, and murder. Participated in numerous jury and bench trials. Served as first chair in forty-three (43) trials.

Oct. 2001 to Present

United States Attorney's Office 400 East 9th Street, Kansas City, Missouri

Member of the senior management team. Assists the U.S. Attorney in conducting office management and operation for the Western District of Missouri, comprised of three separate offices with approximately 60 attorneys and 60 support staff personnel.

Specific titles held:

First Assistant United States Attorney

(During former US Attorney Todd Graves' Administration)

Executive Assistant United States Attorney

(During former US Attorney Brad Schlozman's Administration)

Counsel to the United States Attorney

(During former US Attorney John Wood's Administration)

First Assistant United States Attorney

(During former US Attorney Matt Whitworth's Administration)

Executive Assistant United States Attorney

(Currently under US Attorney Beth Phillips' Administration)

8. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court? **Yes**
9. Attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed. **(See Attachment A)**
10. Have you briefed or argued any case in an appellate court? **Yes**

If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case. **(See Attachment B)**
11. If your experience as an attorney is not in litigation, you may list up to five (5) of your most significant accomplishments in your law career.

Although I have participated in over 100 jury trials before 28 different judges over the past 20 years, I have largely been involved in legal management and leadership positions during the past 8 years. In my role as upper management in the U.S. Attorney's Office, I serve as a member of the Department of Justice's Evaluation and Review Staff, and have conducted several evaluations of U.S. Attorney's Offices of varying sizes throughout the country (Houston, Texas; Miami, Florida; San Diego and Los Angeles, California; Charleston, South Carolina). The evaluation team not only reviews compliance with DOJ management standards, but also identifies best practices that can be replicated in other districts.

I serve as frequent presenter/lecturer in the community, schools, and legal arenas. I have instructed attorneys and attorney managers at both the state and national levels. Such courses include Vehicular Homicide Trial School (St. Peters, Missouri); Lethal Weapon Trial School (Kansas City, Missouri); Missouri Prosecutor's Trial School (Jefferson City, Missouri); Trial Advocacy School (National Advocacy Center, Columbia, South Carolina); and Management Issues for AUSA Managers (National Advocacy Center, Columbia, South Carolina).

As First Assistant and Executive U.S. Attorney I am closely involved in managing the office's \$12,000,000 annual budget, personnel actions, hiring of attorneys and support staff, allocation of positions and office space, and supervising division chiefs and unit managers.

As Counsel to the U.S. Attorney I served as special projects manager and advisor to the U.S. Attorney. Projects included anti-terrorism efforts involving law enforcement and the Kansas City business community; coordinating district-wide meetings and training events; and streamlining rapid communication with the media.

As a member of upper management I am also involved in or monitor sensitive and/or high-profile investigations, prosecutions, and civil actions. A number of these cases require an even greater responsibility to safeguard information received. Such matters include terrorism investigations and intelligence in the district (received top secret clearance in March 2002; received Sensitive Compartmented Information (SCI) clearance regarding human intelligence in December 2005). As supervisor of the civil division chief, and second line supervisor for the attorneys assigned to the civil division, I serve as reviewer, advisor, and sounding board for a wide variety of civil matters. I have been, however, directly involved in some of the more notable civil matters that the U.S. Attorney's Office has handled, such as: enforcement of the Clean Water Act involving the Kansas City sewer system; investigation of complaints that historic courthouses and professional stadiums failed to provide access to disabled persons as required by the ADA; a high-profile federal inmate who refused medical treatment; and housing discrimination allegations in connection with placement of a boys residential facility in a residential neighborhood.

12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

In 1991, after practicing law for one year, I received the Jackson County Assistant Prosecuting Attorney Rookie of the Year Award from former Jackson County Prosecutor, Albert Riederer. In 1994, I was the recipient of the Trial Attorney of the Year Award given by former Jackson County Prosecutor, Claire McCaskill.

13. Have you ever been convicted of a misdemeanor or felony? **No**

If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction:

14. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem? **No**

If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated:

15. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? **No**

If yes, provide details:

16. Have you ever been held in contempt of court? **No**

If yes, provide details:

17. If you were ever a member of the judiciary of the State of Missouri in the past, please state: **N/A**

- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct?

If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed:

- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary.

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist:

- (c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? If yes, provide details:

18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? **No**

If yes, provide details:

19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:

Missouri Bar Association - Member
Platte County Bar Association – Member
Missouri Prosecuting Attorneys Association – Former Member
Association of Women Lawyers – Former Member

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

Advisory Board – Synergy Services, Child Advocacy Center (CAC)

The CAC directs a community effort to prevent and intervene in child abuse and neglect situations by providing a multi-disciplinary approach to forensic interviewing and assessment. I have been a charter member of the Advisory Board since the CAC opened in 2001. The primary responsibility of the Child Advocacy Center Advisory Board is to oversee the implementation, development, and evaluation of the CAC, and to serve as a consultative agent for the CAC program.

Northland Community Response Team (CRT)

The focus of the CRT is to help victims of domestic violence maneuver through an often complex and overwhelming legal process. The team is comprised of members from many professional agencies who are active in providing training throughout the community and refining laws concerning domestic violence. I have been a member of the CRT since 1995.

St. Therese Catholic Church

I have been an active member in my parish where my husband and I were married for over 20 years. In addition to participating in many church activities involving my three children such as, religious education, social events, fund raisers, summer bible school, I have volunteered at local nursing homes to assist in administering the Eucharist to home-bound residents.

Monticello subdivision swimming pool committee

I served on a neighborhood committee to campaign and plan for the construction of a neighborhood swimming pool. The pool was completed in May of 2009.

Neighbor 2 Neighbor homeless pantry volunteer

My husband, three children, and I volunteer on the fifth Saturday of the month to help fund, cook, and serve lunch to over 100 homeless, near-homeless, and indigent persons.

21. Do you now hold or have you ever held any elective or appointive public office or position? **No**

If yes, provide details:

22. Are you delinquent in the payment of any federal, state, county or city taxes?
Yes () No (X)

If your answer is yes, please state details.

23. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state: **N/A**
24. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:

Assistant Prosecuting Attorney Rookie of the Year – 1991

Awarded by Former Jackson County Prosecutor Albert Riederer. Recognizing the top newly hired assistant prosecutor for their work-ethic and professionalism.

Trial Attorney of the Year – 1994

Awarded by Former Jackson County Prosecutor Claire McCaskill. Recognizing an assistant prosecutor for their excellence in trial execution.

“40 Under Forty” Community Leadership Award – 2005

Awarded by Ingram’s Business Magazine. Recognizing “emerging leaders who are bringing a positive change to Kansas City and the world.”

25. No more than five (5) persons may mail a letter of reference with respect to your character and judicial qualifications. See instructions for deadline for submission. **DO NOT INCLUDE AS A REFERENCE ANY ACTIVE SITTING JUDGES FROM THE CIRCUIT FOR WHICH YOU ARE APPLYING.** List the names of the persons from whom each member of the commission will receive letters.

1. **The Honorable Matt J. Whitworth, Federal Magistrate Judge**
2. **John O’Connor, Esquire**
3. **Tom Larson, Deputy United States Attorney – Civil Division**
4. **Harry Lett, Special Agent, ATF**
5. **Cari Franke Walsh, Esquire**

26. State any additional information you deem relevant:

During the past 20 years of practicing law, I have spent a great deal of time in the courtroom, having tried over 100 jury trials before 28 different judges and having been involved in countless hearings (i.e. arraignments, grand jury returns, detention hearings, preliminary hearings, motion to suppress and numerous other pre-trial evidentiary hearings, sentencing, new trial hearings, various post-conviction hearings, appeal arguments). This experience has provided me with a solid foundation of knowledge and comfort with courtroom rules and procedures, rules of evidence, applicable statutes and case law.

Although sound legal judgment is paramount for the judiciary, a judge must also be fair, patient, efficient, and possess a calm and respectful temperament. My years of mentoring many new attorneys, along with my 15 years in leadership and management positions, have allowed me to mature in each of these important areas.

A judgeship is one of the highest levels of public service. When I became an adult, I chose the career path of public service, beginning with my work in hospitals as a registered nurse. I have thoroughly enjoyed my career journey and have never doubted my decision. Having the responsibility of serving as a Platte County Associate Circuit Judge would truly be an honor and a privilege.

By my signature to this application, I authorize: (1) the Commission by its chairperson to obtain relevant information, including but not limited to documents, records and files with respect to my medical, police or disciplinary records, and (2) the Commission and its members to obtain additional relevant information regarding my qualifications as well as the accuracy of my responses to the questions on this application, with the understanding that the information described in (1) and (2) above is available only to the members of the Sixth Circuit Judicial Commission. Notwithstanding the above, in accordance with Supreme Court Rule 10, as amended effective December 14, 2009, if I am one of the three nominees listed on the certificate of nomination sent to the Governor, I authorize the Commission to send a complete copy of this application to the Governor and publicly release a copy of the application with personal and confidential information redacted as identified on the cover page of this application.

I hereby certify that all my statements as made above are correct, and that if I am appointed to the office of Associate Circuit Judge of Platte County, Missouri, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office.

DATE: 3/1/10

SIGNED: 

ATTACHMENT A

TRIALS IN THE LAST FIVE YEARS

1. **United States v. Michael M. Smith**

Case No. 06-00133-01-CR-W-DW

August 2006 jury trial before Judge Howard F. Sachs

United States District Court, Western District

Attorney for the United States, serving as second chair

Opposing Counsel: Anita Burns

818 Grand, Suite 300

Kansas City, MO 64106

The defendant was charged with being a felon in possession of a firearm. When he approached a home to ostensibly sell a gun, according to the residents, he then pulled the gun on the residents in order to rob them. The residents testified at trial, but the jury found the defendant not guilty.

2. **United States v. Lisa Montgomery**

Case No. 05-06002-01-CR-SJ-GAF

October 2007 jury trial before Judge Gary A. Fenner

United States District Court, Western District

Attorney for the United States, serving as second chair

Opposing Counsel: Fred Duchardt

9701 Highway W

Trimble, MO 64492

John O'Connor

4740 Grand Ave, Suite 300

Kansas City, MO 64112-2255

The defendant killed a woman who was eight-months pregnant to kidnap the fetus. She was charged and convicted of kidnaping resulting in death. The Montgomery defense team presented five mental health experts to mount an insanity defense. The defendant had no criminal history and had a husband and four children who stood by her throughout the prosecution. After Ms. Montgomery was found guilty, she was sentenced to death. This case captured the attention of local, national, and international media. A small sampling of internet articles is included with Attachment A.

3. **United States v. Robert Newsome**
Case No. 07-00273-01-CR-W-SOW
January 2009 jury trial before Judge Scott O. Wright
United States District Court, Western District
Attorney for the United States, serving as first chair
Opposing Counsel: Phillip Gibson
2400 Lee's Summit Road
Independence, MO 64055

Defendant and two co-defendants robbed the Longview Post Office in February of 2008. The defendant waited outside the post office in a getaway car while the co-defendants, armed with handguns, entered the facility occupied by several customers and postal employees and removed \$1,769 from three cash drawers. The defendant was convicted of armed robbery and use of a firearm during a crime of violence. He was sentenced to 30 years in prison. A press release of the trial is included at the end of Attachment A.



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Jury Recommends Death For Woman

Juror: 'It Was Very Difficult.'

POSTED: 12:41 pm CDT October 26, 2007
UPDATED: 6:16 pm CDT October 26, 2007

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KANSAS CITY, Mo. -- A federal jury decided Friday that a woman convicted of killing an expectant mother and cutting her baby from her womb should receive the death penalty.

Juror Speaks | Victim's Mother Speaks
Survey: Do you agree with the jury's recommendation?

Jurors deliberated more than five hours before recommending the sentence for Lisa Montgomery. Judge Gary Fenner will sentence Montgomery, but he had told jurors he was obligated to abide by their recommendation. A sentencing date has not been set.

Montgomery, 39, was convicted Monday of kidnapping and killing Bobbie Jo Stinnett on Dec. 16, 2004, in the victim's home in the northwest Missouri town of Skidmore. She was arrested the next day in Melvern, Kan., where she was showing off the newborn as her own.

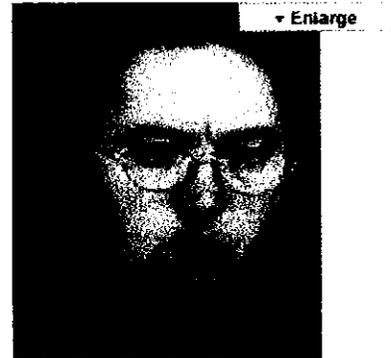
Montgomery wiped her eyes with a tissue as she was led from the courtroom after the jury announced its sentencing decision. Her attorney, Fred Duchardt, had his hand on her shoulder as the sentence was announced.

When the jurors were asked if they agreed with the decision, each responded: "Yes, your honor." Afterward, the jury asked to prosecutors and defense attorneys. Prosecutors said the jurors thanked them. Jurors left the courthouse without speaking to reporters.

Later, juror Peggy Woods said, "It's been a horribly emotional day for all of us. We were crying in the jury room. It was very difficult."

U.S. Attorney John Wood said he was confident justice had been served.

"I know that nothing we do can erase the pain that the family members feel," Wood said during a news conference after the verdict was read. "I only hope that they find some measure of justice in this outcome."



MORE COVERAGE

- [Statement By Victim's Mother](#)
- [Juror Speaks Out](#)
- Survey: Jury's Recommendation**
- Courtroom Sketches: Montgomery Trial**
- [Jurors Recommend Death](#)
- [Witnesses, Jurors Tearful](#)
- [Mother To Dispatcher: 'It's Like She Exploded.'](#)
- [Sentencing Phase Begins](#)
- [Jurors Find Montgomery Guilty](#)
- [Psychiatrist Testifies In Montgomery Trial](#)
- [Former Boss Didn't Doubt Montgomery](#)
- [Mother Tells Jury About Scene](#)
- Images: Suspect, Victim, Baby**
- [Opening Statements Made](#)

Duchardt said he was saddened by the result.

"Obviously the jury had a hard time getting past the gravity of the offense," he said. "Lisa is a fragile, wonderful person. She is heartsick over what happened to Bobbie Jo and her mother and her family."

Lisa Montgomery's husband, Kevin, and his parents were not in the courtroom when the verdict was read but came in as the jurors left. Outside the courthouse, Kevin Montgomery criticized prosecutors.

"The prosecutors gave you a circus," he told reporters. "It's pretty bad when you think there's a winner in this."

Stinnett's mother, Becky Harper, thanked the law enforcement officers who rescued her granddaughter, Victoria Jo.

"The case has finally come to a close, but we will never stop missing Bobbie Jo," Harper said, crying and surrounded by family members. "She was a sweet and loving wife, daughter and sister and would have been a wonderful mother. Our priority now is Victoria Jo. We want her life to be as normal as possible."

Nodaway County Sheriff Ben Espey, who helped perform CPR on Stinnett's lifeless body, said the community had been awaiting the death sentence for nearly three years.

"It was bad, it was awful," he said of the bloody crime scene. "It's something that nobody wants to walk into, but knowing that her mother was trying to do CPR, I felt like I had to continue."

Prosecutors argued that Stinnett's killing and mutilation is the kind of crime for which capital punishment is intended.

Showing jurors photos of the bloody crime scene, the prosecution told jurors Thursday that Montgomery deserves to die because of the heinousness of her crime, and because computer evidence -- including Internet searches on performing Caesareans -- shows the crime was premeditated.

Federal prosecutor Roseann Ketchmark said Montgomery had violated Stinnett in the "most wicked way possible," then failed to seek medical attention for the infant, who was four weeks shy of her due date.

Duchardt, who claims sexual abuse during Montgomery's childhood led to mental illness, asked the jury to spare his client's life. He said emotional abuse from her mother and sexual abuse from her stepfather "killed Lisa's soul."

"I'm not ashamed to ask you all for mercy," Duchardt told the jury. "I ask for it on behalf of Lisa and all the people who love her."

Prosecutors claimed Montgomery was faking mental illness to aid her defense. They also noted that few of the many people who have been sexually abused go on to kill.

Ketchmark showed jurors crime scene photos highlighting the blows to Stinnett's head, injuries to her elbows, defensive cuts to her hands and strangulation marks.

"Look at the ragged abdominal cuts," she said. "This is vicious. This defendant mutilated her."

Ketchmark also described how the gruesome death had hurt Stinnett's family, particularly her husband, Zeb, who was forced to raise their daughter alone, and Harper, who found her daughter's body.

Juror Woods said, "We were trying very, very hard to give her the benefit of the doubt," and added that making the decision to recommend the death penalty was the most difficult thing she'd ever done.

She said, "You're holding someone's life in your hands, and 20 years from now, for the rest of my life, that decision is going to be with us."

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Doc: Woman Awake As Baby Taken From Womb

By MARGARET STAFFORD
The Associated Press
Saturday, October 6, 2007; 9:20 AM

KANSAS CITY, Mo. -- A medical examiner testified that she believed a 23-year-old pregnant woman was conscious and trying to defend herself as a kitchen knife was used to crudely cut the baby from her womb as she was killed.

The testimony came Friday in the federal trial of 39-year-old Lisa Montgomery, who is accused of killing Bobbie Jo Stinnett and taking the baby on Dec. 16, 2004. Montgomery was arrested the next day while showing off her new child in Melvern, Kan. She has pleaded guilty by reason of insanity.

"The evidence to me shows that she regained consciousness while the incision was being made, a struggle ensued and she was strangled again," said Dr. Mary Case, the St. Louis County medical examiner.

Case testified that she believed Stinnett was coming in and out of consciousness when Montgomery was cutting into her womb. Case, who did not perform Stinnett's autopsy, said the large amount of blood on the bottom of Stinnett's feet showed she had her feet flat on the floor _ either standing or sitting with her knees raised _ when she was cut.

She said that would not be possible if Stinnett was unconscious.

[Enlarge This Photo](#)

 Seen in a courtroom sketch is Becky Harper testifying in the federal death penalty trial of Lisa Montgomery, who is accused of killing Harper's daughter, Bobbie Jo Stinnett, Kansas City, Mo., Thursday, Oct. 4, 2007. Montgomery, accused of killing a pregnant woman and cutting her baby from her womb, is concerned that her ex-husband is threatening to expose her faked pregnancy and use it against her in a custody dispute, prosecutors said Thursday. (AP Photo/KCTV, Marci E. ...)

Seen in a courtroom sketch is Becky Harper testifying in the federal death penalty trial of Lisa Montgomery, who is accused of killing Harper's daughter, Bobbie Jo Stinnett, Kansas City, Mo., Thursday, Oct. 4, 2007. Montgomery, accused of killing a pregnant woman and cutting her baby from her womb, is concerned that her ex-husband is threatening to expose her faked pregnancy and use it against her in a custody

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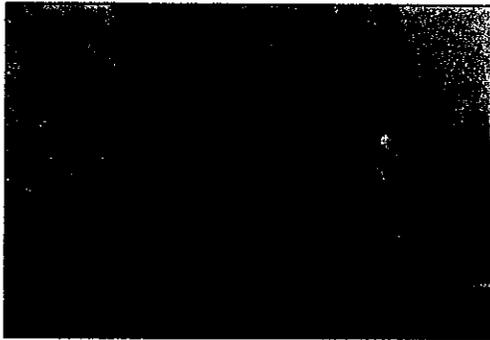
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Enlarge by Marci E. Aylward, AP

Seen in a courtroom sketch is Zeb Stinnett testifying in the federal death penalty trial of Lisa Montgomery, who is accused of killing Bobbie Jo Stinnett, Kansas City, Mo., Thursday, Oct. 4, 2007. Montgomery, accused of killing a pregnant woman and cutting her baby from her womb, is concerned that her ex-husband is threatening to expose her faked pregnancy and use it against her in a custody dispute, prosecutors said Thursday. (AP Photo/KCTV, Marci E. Aylward)

By Margaret Stafford, Associated Press Writer

KANSAS CITY, Mo. — The day after a Missouri woman was killed and a baby cut from her womb, the woman accused of killing her was showing off a newborn as her own, several acquaintances testified Friday.

Five women testified Friday that Lisa Montgomery and her husband, Kevin, seemed ecstatic about the new baby girl. The women said Montgomery showed no signs of trauma or being upset, and had answers to all their questions about the birth.

Also Friday, a medical examiner testified that she believed Bobbie Jo Stinnett, 23, was conscious and trying to defend herself when Montgomery used a kitchen knife to perform a crude Caesarean section on Dec. 16, 2004.

The baby, Victoria Jo Stinnett, who was one month shy of her due date, survived and lives with her father.

All but one of the women testified that they were skeptical when they heard that Montgomery was pregnant in 2004, partly because Montgomery had claimed to be pregnant twice before and did not have a baby. And they said she did not look pregnant, even a week before she was introducing her new baby.

One of the witnesses, Jennifer Sage, said she had heard on the morning of Dec. 17, 2004, that a woman had been killed in Skidmore and a baby stolen. When Montgomery said she had given birth in Topeka, Kan., Sage said she didn't hold the tiny baby because of her suspicions.

"It was very odd," she said. "It was just too weird for me."

Lisa Green, who believed Montgomery was pregnant, said Montgomery seemed in touch with reality and happy to be home when she called her the night of Dec. 16, 2004, and said she had given birth and was home with the baby.

Green, who worked with Montgomery at a convenience store, also said that Montgomery told her she had been raped by her stepfather as a teenager and that her mother blamed her for trying to take her husband away.

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Montgomery, 39, has pleaded guilty by reason of insanity. Her attorneys said Thursday that they would argue that Montgomery suffered from mental illnesses, including post-traumatic stress disorder brought on by years of abuse in her dysfunctional family.

Jurors were shown several graphic autopsy photos by Coroner Miguel Laboy, who performed the autopsy. Laboy said Stinnett had eight jagged cuts across her abdomen and what he called defensive wounds on her hands, face and elbows.

Dr. Mary Case, the St. Louis County medical examiner, said the large amount of blood on the bottom of Stinnett's feet showed she had her feet flat on the floor – either standing or sitting with her knees raised – when she was cut.

"The evidence to me shows that she regained consciousness while the incision was being made, a struggle ensued and she was strangled again," Case said.

In other testimony Friday, a man who knew Montgomery and Stinnett because of a shared interest in raising rat terriers testified that he and others in the dog-breeding community distrusted Montgomery, but Stinnett defended her.

"Bobbie Jo was a real sweet spirit. She was kind. She always gave Lisa the benefit of the doubt," James Dawson of Kansas City said.

The federal trial recessed for a three-day weekend after testimony concluded Friday. Prosecutors plan to seek the death penalty if Montgomery is convicted of kidnapping resulting in death. The trial is expected to take at least three weeks.

If Montgomery is found not guilty by reason of insanity, a judge would decide whether she would be released or committed to a mental institution. If she is sent to a mental institution, she would undergo a mental evaluation, then go before a judge who would determine if she is well enough to be released, or must receive more treatment.

If she's found to be a threat, she would be held until a judge determines she has made enough progress to be released.

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Posted 10/5/2007 10:14 PM

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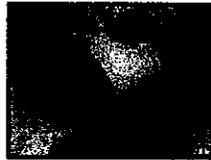
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updated 2:01 p.m. EDT, Fri April 4, 2008

Woman gets death sentence in fetus-snatching murder

STORY HIGHLIGHTS

- Federal judge imposes death
- Lisa Montgomery is just third
- She befriended pregnant wor

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By Bill Mears
 CNN Washington Bureau

WASHINGTON (CNN) — A woman convicted of murdering an expectant mother and kidnapping the baby from her womb received a federal death sentence.



Lisa Montgomery, convicted of killing a pregnant woman, joins two other women on federal death row.

U.S. District Judge Gary Fenner handed down the sentence in Kansas City, Missouri, on Friday. Lisa Montgomery becomes only the third woman on federal death row.

Montgomery was convicted in October of the gruesome 2004 killing of Bobbie Jo Stinnett. The 23-year-old woman was found strangled in her rural home in Skidmore, Missouri. Her womb was cut open and the unborn child was missing.

A nationwide search and intense media coverage followed. Montgomery was found in neighboring Kansas, where she had claimed the baby, which survived, as her own.

Prosecutors claimed at trial that Montgomery had first contacted Stinnett on the Internet, through their mutual interest in breeding rat terrier dogs,

and later went to Stinnett's house.

A jury convicted the 39-year-old woman and recommended the death penalty, which the judge imposed Friday.

The other women awaiting execution are:

- Angela Johnson, who was sentenced in 2005 along with a man for the murders of two girls in Iowa.
- Valerie Friend, who was sentenced last year along with a man for the drug-related murder of a woman in



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US woman guilty of 'womb theft'

Jurors in the US state of Missouri have convicted a woman who strangled an expectant mother and cut the baby from her womb with a kitchen knife in 2004.



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After four hours of deliberation, they rejected Lisa Montgomery's plea that she had been delusional when she killed Bobbie Jo Stinnett and stole the baby.

Defence lawyers had argued Montgomery was mentally ill

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Prosecutors are seeking the death penalty for Montgomery, convicted of kidnapping resulting in death.

The baby, a girl, survived and was later returned to her father.

'Voodoo science'

Montgomery met the Stinnetts at a rat terrier dog show in Kansas in April 2004.

Having learnt of Bobbie Jo's pregnancy, in December 2004 she used a fake online profile to set up a meeting at the Stinnett family home saying that she wanted to buy a terrier puppy.

Once in the house she used a rope to strangle the young mother, before hacking the baby from her womb with a kitchen knife.

A doctor testifying in the trial said that Bobbi Jo was probably still alive when Montgomery started removing her child.

Montgomery's lawyers had



Victoria Jo Stinnett is now nearly three

sought to portray their client ^{years old} as a victim of severe mental illness whose delusion of being pregnant - pseudocyesis - was being threatened, causing her to enter a dreamlike state when the killing took place.

They also argued that she had post-traumatic stress disorder brought on by mental, physical and sexual abuse in her childhood.

Federal prosecutor Roseann Ketchmark called the claim of pseudocyesis "voodoo science".

Healthy child

Instead, the prosecutor argued that Montgomery had feared her ex-husband, Carl Boman, would expose that she was lying about being pregnant and use it against her as he sought custody of two of the couple's four children.

"It's not pseudocyesis or post-traumatic stress disorder," Ms Ketchmark said in closing arguments.

"And even if you wrap them up and put delusions around them, it's not insanity."

Mrs Stinnett, 23 and eight months pregnant when she was killed, fought for her life and that of her child, the trial heard.



Mrs Stinnett thought her visitor was coming to buy a puppy

Nodaway County Sheriff Ben Espey, who was the first law enforcement officer to arrive at the Stinnetts' home in Skidmore, Missouri, said in his testimony:

"You could see swirls in the floor in the blood, showing there was a struggle."

Her killer was arrested the day after the crime having spent the morning showing off the infant as her own in her hometown of Melvern, Kansas.

"The only good thing that comes from this tragedy is that little Victoria is a healthy baby and is reunited with her family," US Attorney John F Wood said.

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SIE SCHNITT EINER SCHWANGEREN DAS KIND AUS DEM BAUCH

Todesurteil für die grausame Baby-Räuberin

05.04.2008 - 12:15 UHR

Eine Amerikanerin, die eine schwangere Frau getötet und ihr das Baby aus dem Bauch geschnitten hatte, ist jetzt zum Tod verurteilt worden.

Wie der Sender CNN berichtete, verhängte ein Bundesrichter in Kansas City (Missouri) die Höchststrafe gegen die heute 39-jährige Lisa Montgomery. Das Baby hatte die Tat 2004 überlebt. Die heute dreijährige Victoria Jo lebt bei ihrem Vater Zeb Stinnet.

Montgomery hatte laut Anklage die damals 23-jährige schwangere Bobbie Jo Stinnett per Internet kennengelernt. Danach suchte sie ihr Opfer zu Hause in Skidmore (Missouri) auf und gab als Vorwand an, sie wolle einen Hund von ihr kaufen.

Stinnett wurde später erwürgt aufgefunden, mit aufgeschnittenem Unterleib. Ihr ungeborenes Kind war verschwunden. Laut Autopsiebericht war die Frau bei der Bluttat zeitweise noch bei Bewusstsein.

Nach wenigen Tagen spürte die Polizei die Täterin im Nachbarstaat Kansas auf. Das Kind hatte sie bei sich. Freunden und Bekannten erzählte sie, es sei ihr eigenes.

Im Prozess meinte Staatsanwältin Roseann Ketchmark, Montgomery verdiene die Todesstrafe, weil sie die Tat wochenlang geplant und im Internet nach Anleitungen für einen Kaiserschnitt gesucht habe.

Die Anwälte der 39-Jährigen hatten argumentiert, Montgomery habe die Tat in dem Glauben begangen, sie selbst sei schwanger und tue nichts Unrechtes. Die Angeklagte leide unter psychischen Störungen, weil sie als Kind brutal behandelt worden sei.

Eine Geschworenen-Jury befand Montgomery im Oktober vergangenen Jahres des Mordes sowie Kidnappings für schuldig und sprach sich für die Todesstrafe aus. Der Richter folgte jetzt dieser Empfehlung.

血迷いGo!勒

一面にはこない、でも気になる記事を紹介するBlog。(2008年8月20日はてなより引っ越し。)

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2007年10月23日

割り切れないぞ...

いずれ全てを知った時、ヴィクトリアは事実を上手く受け入れることが出来るだろうか？

妊婦絞殺、胎児誘拐の被告に有罪評決

2007年10月23日 20:49:カンザス/米国

【10月23日 AFP】米ミズーリ (Missouri) 州で女が妊娠中だった知り合いの女性を絞殺し、この女性の腹部を切り裂いて胎児を連れ去ったとされる事件で、カンザス (Kansas) 連邦地裁の陪審団は22日、リサ・モンゴメリー (Lisa Montgomery) 被告 (39) に有罪評決を下した。心神喪失状態だったとする弁護側の主張は退けた。同被告は死刑を言い渡される可能性もある。

事件は2004年12月に発生した。女児を妊娠中だったBobbie Jo Stinnettさんが自宅で絞殺され、胎内から取り出された赤ん坊が連れ去られた。その翌日、Stinnettさんの知り合いで、過去に何度も自分が妊娠したとうそをついた経歴のあるモンゴメリー被告が、知人に出産を知らせるカードを大量に準備しながら、この赤ん坊をあやしているところを見つけた。

同被告は自分の兄弟に罪をなすりつけようとしたものの、すぐにStinnettさん殺害を認め、赤ん坊は自分の子どもだと主張するつもりだったと自供した。

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公判で弁護団は、被告は事件当時、自分が妊娠しているとの妄想を持っており、自分の行為の善悪の判断がつかず精神状態ではなかったと主張。また、子どものころにひどい虐待を受けた経験もあるなどと訴えた。

検察側は、被告が帝王切開手術の方法についてインターネットで調べるなど、数週間から数か月かけて犯行を計画していたと指摘。被告の精神疾患を主張する弁護側に対しては、被告がうそつきで人を操るのがうまく、うその妊娠話を利用してきたと反論した。

犯行のきっかけとなったのは、被告の別れた夫が、妊娠についての被告のうそを暴露すると脅したことだった。最終弁論でRoseann Ketchmark検事補は「被告は自分が正しいとみんなに訴えたかったのだ」と述べた。

検察側は、24日に始まる論告求刑で死刑を求刑する方針を明らかにした。求刑の審理には今回と同じ陪審団が当たる。

評決後の会見でジョン・ウッド (John Wood) 検事は「事件の唯一の救いは、(連れ去られた胎児の) Victoria Joちゃんが今は3歳になり、元気で父親と再会できたことだ」と述べた。

被告はStinnettさんと2004年12月にカンザスで行われたドッグショーで出会った。インターネットでStinnettsさんの妊娠を知り、子犬を購入するとの名目で約束を取り付けてミズーリ州スキッドモア (Skidmore) にあるStinnettさんの自宅を訪問。Stinnettさんをロープで絞殺し、胎内からVictoria Joちゃんを取り出した。(c) AFP/John Shultz

<http://www.afpbb.com/article/disaster-accidents-crime/crime/2302006/2274420>

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Frau schnitt Baby aus dem Mutterleib

In Kansas City steht eine 39-jährige Amerikaner hochschwangeren Frau das Baby aus dem Leib. Staatsanwaltschaft will die Todesstrafe beantragen. Die Frau für zurechnungsfähig.

Kansas City - Die Geschworenen-Jury hat die angeforderten 12 Stunden Beratung wegen Entführung mit Todesfolge abgelehnt. Sie wiesen die Argumentation der Verteidigung zurück: Die Frau war krank und deswegen unzurechnungsfähig gewesen. Die Staatsanwaltschaft beantragte die Todesstrafe.

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Der Fall aus dem Jahr 2004 hatte die Öffentlichkeit für Schlagzeilen gesorgt. Die Anwältin Montgomerys leide an einer Pseudocyesis, einer sogenannten Schwangerschaftstäuschung. Die Frau hatte eine Schilddrüsen-Tumor-Operation in der Ortschaft Skidmore im Nordwesten von Missouri im Jahr 2004 im Krankenhaus im Zustand begangen.

Staatsanwältin Roseann Ketchmark wies dies in ihrer Aussage zurück. Nach ihren Angaben wollte Montgomery die Schwangerschaft zum Zeitpunkt der Tat im achten Monat schwang. Sie versuchte jedoch bei Bewusstsein und versuchte, sich zu wehren. Sie schnitt das Kind aus dem Bauch mit einem Küchenmesser. Die Frau wurde mit Blutverletzungen verhaftet. Das Mädchen, Victoria, lebt bei der Mutter.

jjc/AP

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OFFICE OF THE UNITED STATES ATTORNEY
WESTERN DISTRICT OF MISSOURI

JOHN F. WOOD

Contact Don Ledford, Public Affairs • (816) 426-4220 • 400 East Ninth Street, Room 5510 • Kansas City, MO 64106

www.usdoj.gov/usao/mow/index.html

JANUARY 14, 2009

FOR IMMEDIATE RELEASE

JURY CONVICTS KC MAN OF ARMED ROBBERY OF A POST OFFICE

KANSAS CITY, Mo. – John F. Wood, United States Attorney for the Western District of Missouri, announced that a Kansas City, Mo., man was convicted by a federal jury today of the armed robbery of a post office in south Kansas City and the use of a firearm during a crime of violence.

Robert E. Newsome, Jr., 35, of Kansas City, was found guilty of the charges contained in a Feb. 6, 2008, superseding indictment.

Newsome, along with co-defendants **Tony J. Lee**, 19, of Shawnee, Kan., and **Jesse Cardell Melton**, 19, of Lenexa, Kan., robbed the Longview Post Office, 8800 Raytown Road, Kansas City, Mo., on May 12, 2007.

Lee and **Melton**, armed with handguns, entered the post office at about 12:20 p.m. on May 12, 2007. **Newsome**, also armed, waited outside the post office in a getaway car. The facility was open for normal operation, with two postal workers at the front counter assisting two customers at the time of the robbery. A third customer was in the adjacent post office box section. **Lee** stayed in the lobby and contained the postal employees and customers with the use of his gun, while **Melton** jumped over the counter and removed \$1,769 from three cash drawers.

When a customer tried to sneak out of the post office, she was confronted by **Newsome**, who tried to get her keys. When she resisted, **Newsome** struck her on the back of the neck and knocked her to the ground. All three defendants got into a vehicle and sped away from the post office.

Following the presentation of evidence, the jury in the U.S. District Court in Kansas City deliberated about two hours before returning the guilty verdict to U.S. District Judge Scott O. Wright, ending a trial that began Monday, Jan. 12, 2009.

Lee was sentenced on July 25, 2008, to seven years and three months in federal prison without parole. On Jan. 3, 2008, **Lee** pleaded guilty to aiding and abetting others to assault postal employees with the intent to rob the post office at gunpoint.

Melton pleaded guilty on Jan. 23, 2008, to his role in the robbery and awaits sentencing.

Under federal statutes, **Newsome** is subject to a sentence of up to 25 years in federal prison without parole for the conviction of the armed robbery of a post office, plus a mandatory consecutive

sentence of seven years in federal prison without parole for using a firearm during a crime of violence. A sentencing hearing will be scheduled after the completion of a presentence investigation by the United States Probation Office.

This case is being prosecuted by Assistant U.S. Attorneys Roseann Ketchmark and Kathleen D. Mahoney. It was investigated by the U.S. Postal Inspection Service.

This news release, as well as additional information about the office of the United States Attorney for the Western District of Missouri, is available on-line at www.usdoj.gov/usao/mow/index.html

ATTACHMENT B

APPEALS

1. **State of Missouri v. Antonio Zepeda**
Case No. WD57871
Missouri Court of Appeals, Western District

This was an Interlocutory Appeal from an order granting the suppression of a defendant's statement. I authored the brief and presented oral arguments before Judges Lowenstein, Ulrich and Holliger on April 5, 2000. The defendant pled guilty the following day to Child Molestation in the First Degree and was sentenced to 4 years in prison. The Interlocutory Appeal therefore became a moot issue and was dismissed.

2. **United States v. Tony J. Lee Jr.**
Case No. 08-2860
United States Court of Appeals for the Eighth Circuit

The defendant appealed his sentencing enhancements. I authored the brief with assistance from the Appellate Unit. I presented arguments before Judges Smith, Gruender, and Benton on March 13, 2009. The Court of Appeals ruled for the United States and affirmed the judgment of the district court.

3. **United States v. Susan K. Krough**
Case No. 08-2772
United States Court of Appeals for the Eighth Circuit

The defendant appealed an order denying her post-conviction motion to modify the terms of her probation that she not be employed in any capacity related to the mortgage industry of any vocation in which she would act in a fiduciary capacity. I authored the brief with assistance from the Appellate Unit. The Court of Appeals ruled on the briefs and affirmed the judgment of the district court.

4. **United States v. Lisa Montgomery**
Case No. 08-1780
United States Court of Appeals for the Eighth Circuit

The defendant raised ten claims on appeal after her capital conviction of kidnaping resulting in death. I co-authored the 137-page brief for the United States which was filed on December 8, 2009. I have been selected as the attorney to argue the case for the United States in the spring of 2010.