

Brenda J. Bell

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Kansas State House of Representative
Judiciary Committee
S.W. 8th and S.W. Van Buren
Topeka, Kansas 66612

February 17, 2020

Re: Statement of Brenda J. Bell in Support of H.B. 2675 of the 2020 Session

Dear Mr. Chairman and Members of the Committee;

I want to thank you for allowing me to speak to you today and want to start by giving some of my background. I graduated from law school in 1988 and have been in the continual practice of law in the Manhattan Riley County area since 1988. I am a native Kansan and graduated from Fort Hays State University in 1985 and then went on to law school. I was an older student and my oldest child graduated from high school the same year I graduated from law school. During my tenure as a lawyer I have appeared twice in front of the United States Supreme Court, am a past president of the Riley County Bar Association, a past board member of CASA and Kansas Legal Services, a past board member and president of the Manhattan Emergency Shelter and presently a board member of Housing and Consumer Credit Counseling. I am a KLAP volunteer and a member of the Kansas Women's Attorney Association and the Topeka Area Bankruptcy Council. I am proud to say that I have parented two tax paying, productive professional daughters and have been married for 50 years.

But my history aside let me tell you about a case that I worked on where I came to know child abuse in its' worst form. In 2009, I meet Alyssa Bradford when she was 14 years old. She was a witness in a case where horrible abuse was alleged against her stepfather a man named Justin Snyder. Alyssa's mother brought Alyssa to my office to testify about events of abuse. Alyssa also testified about Snyder's abuse of his natural children. I thought I had heard it all and was a pretty hardened lawyer by that time, but these stories where bizarre and cruel beyond anything I had heard as a lawyer.

For example, abuse of Alyssa and her sister developed once because the children were not allowed heat in their bedroom at night and they slept upstairs, and their bedroom was very cold. Alyssa had figured out a way to turn the heat on in the bedroom and then would set her alarm for 3:00 a.m. each morning and get up and turn the heat off so that Snyder would not know they had the heat on in the morning when he came upstairs. One morning Alyssa slept through her alarm and Snyder was furious when he came upstairs and found out the children had the heat on during the night. The children were questioned and harassed for days and finally Snyder decided that Alyssa and her sister had been responsible for turning on the heat. They were taken out into the garage and Snyder held a gun to the head of the little sister and gave her a gun which she was required to hold on Alyssa. He then told the 8-year-old little sister that if she

did not shoot Alyssa, he would shoot her. Alyssa was trying to calm her sister and keep her from being shot by saying to her "its o.k. you can shoot me." Finally, Alyssa's little sister got so hysterical that she wet her pants and then the abuser made fun of her and had Alyssa clean it up and decided not to shoot them.

The first time I met Alyssa I listened to her tell of such incidents (she was 14) and me and my secretary cried when we heard these horrible stories. A recitation of the facts took all afternoon. It was almost impossible to find a day or a week when these children were not terrorized by Snyder. Alyssa was the youngest witness I ever put on the stand and she suffered through hours of testimony in detail about Snyder's abuse of her and her sister and other children. She is one of the bravest people I know.

Child abuse cases are difficult to prove and in this case the stories were so bizarre that they seemed fantastical and like they had been made more extreme than they were. Further, child abusers are often very good at hiding the truth and Snyder was a master of this. The children's mother would waiver back and forth between believing her children and then deciding to side with Snyder and call them liars. DCF had been called so often that this worked a disadvantage to the children because when abuse comes back unsubstantiated by DCF so many times the argument is made that DCF is being used as a tool. Finally, Alyssa's father acquired custody and her nightmare seemed to end - somewhat.

As the years went by, I kept up with Alyssa because she had a special place in my heart - I thought she was brave, resilient, resourceful and bright. One day she called me and said she was going to get a PFA against Justin Snyder and she told me that Snyder was being investigated for abusing another child who was a 14-year-old boy. Alyssa related that there was a tape recording of Snyder abusing the boy because the child had turned on his cell phone and recorded his abuse. I have listened to that tape 3 times and each time it shocks and horrifies all that listen including Judges, etc. Snyder can be heard acting as if he has a gun to the child's head and yelling "bang good night Irene." Snyder tells the child he should kill himself and spends a lot of time telling the child how worthless he is. This is occurring while Snyder has the child crouched naked on the floor. Alyssa related that she had been asked to relate her abuse because of course Snyder claimed the incident was a one-time incident where he just "lost his cool" with a disobedient child. Once again, this young woman did the right thing and gave a police report about Snyder's past abuse. But after the investigation, it took a year and a half to convict Snyder and he served 22 months in prison.

It was at this time that Alyssa began to have nightmares, waking up and throwing up and began to "flash back" on incidents of the abuse. She suffered anxiety and depression and thought she saw Snyder when she didn't - she became reclusive and eventually had to leave K-State because she was so anxious. Snyder was on bond and had a bond restriction and a tracker that would go off if he got within a 1/2 mile of Alyssa's house. But Alyssa knew Snyder and she had seen how he could stalk and manipulate to get his way. For example, once when Alyssa was 8 years old, she had a PFA against Snyder and her Mother was reconciling with Snyder after she got the PFA. Snyder called her mother and had her mother put her on the phone he told her "if you don't drop all this - I am going to jail and your mother is going to jail and you are going to become an orphan and die alone." Alyssa was 8 and of course, believed this and changed her story of abuse to protect her mother.

Alyssa gave a statement to the police about her past abuse she knew Snyder would get the report and that is when she applied for and received a PFA and during this time she rarely left her house for 6 months. Here it is important to understand that the statute did allow for a PFA because she was "formerly a member of Snyder's household." Alyssa also quit her job and lived on her student loans. Finally, she moved in with 5 roommates. Alyssa got extensions of her first PFA. Then Snyder was sentenced, and Alyssa gave testimony at his sentencing and Snyder went to prison that day. Alyssa was now worried about what would happen to her when he was released. A final order was entered granting her a 5 year PFA and then Snyder appealed to the District Judge and the District Judge dismissed that extension on grounds that Alyssa and her sister had never lived in the home of the abused child the subject of the conviction in order to qualify for further extensions under K.S.A. 60-3107(e)(2)(B).

In this circumstance the fact that Alyssa was going to testify and help an abused child caused a complete breakdown to Alyssa; she would not leave her house, flunked out of school, had nightmares, could not sleep, or even work and yet she did the right thing and gave testimony. That testimony helped send Snyder to prison. There is no logical reason why this statute should permit a PFA at the inception of these circumstances, but then refuse to extend the PFA because she had not lived with the abused child when he was abused. The public policy of this law is to protect the victims of abuse and abuse is defined as;

Intentionally attempting to cause Alyssa bodily injury, or intentionally or recklessly causing her bodily injury - Did Snyder do that? The answer is a resounding yes.

Intentionally placing Alyssa in fear of imminent bodily injury by physical threat - Did Snyder do this? The answer is a resounding yes.

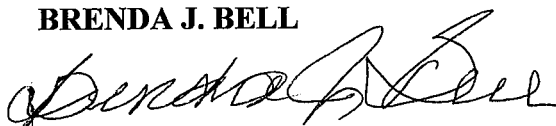
Some will argue that these extensions should be narrowly drawn because "people change" but the physical reaction of this young woman based on her experience with Snyder is the test of her feeling that she feared imminent bodily injury. Not, some narrow construction which states "it is long enough she should get over it."

Further why should a victim of past abuse be required to show that when she was abused by Snyder, he was convicted of a crime in order to gain an extension of a PFA? Alyssa gave testimony about how Snyder abused her and had no control over whether the County Attorney would charge a crime when she was a child, or even later. Why should evidence be limited to only former crimes and not the substance of the abuse act itself to the applicant? Such a law does not promote protection of the victims of abuse and that is the policy of the PFA statute. This amendment is in keeping with that policy and serves to protect some of the most vulnerable persons those who speak out about abusers in an effort to end a cycle of abuse.

I appreciate your consideration of this very important matter

Sincerely,

BRENDA J. BELL

A handwritten signature in black ink, appearing to read "Brenda J. Bell", written over the typed name. The signature is fluid and cursive.