

In re: BARBARA W. TOWNSLEY

CRIMINAL CASE: ATTEMPTED MURDER CIVIL CASE: PERSONAL IN JURY

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James Alexander Tanford

1. GENERAL INFORMATION

On the 4th of July weekend last year, Barbara Townsley (age 41) shot and wounded her husband Nicholas (age 53). The State has charged Barbara with attempted murder, alleging that she shot her husband out of anger and jealousy because he was having an affair. Nick has also filed a civil suit for personal injuries against Barbara. Barbara claims self defense and also that she was a battered woman. All events take place in Bloomington, Indiana. I have used real places and addresses wherever possible, but all events are fictitious.

2. POTENTIAL WITNESSES

Nicholas B. (Nick) Townsley -- complainant (husband)
Barbara Williams Townsley -- defendant (wife)
Tina Dawn Moran -- Nick Townsley's girlfriend
Tracy Essing -- first officer on the scene
Patrick McCardle -- police detective
James W. Lane -- neighbor
Holly Bergman -- neighbor
Jason Devereaux -- neighbor
Randy Hamric -- neighbor
Perry Cumberland -- neighbor
Clare Fitzgerald -- neighbor
Justin Townsley -- Nick's son by first marriage
Danielle Carol Townsley -- Nick's daughter by first marriage
Theresa Johnson -- Nick's first wife
Dr. Jordan S. Fox -- emergency room physician
Dr. Alexander C. Cochran -- psychologist

3. CASE FILE QUIRKS

- a. **Dates:** YR-0 refers to the present year, YR-1 refers to one year ago (the year in which the events took place), YR-2 refers to two years ago, etc.
- b. **Signatures:** Assume all documents that appear to have signatures contain original signatures.
- c. **Names of attorneys.** All attorneys mentioned in these documents have withdrawn from the case and turned it over to members of this class.

4. NEED MORE INFORMATION?

If you have questions for any of the witnesses, email tanford@indiana.edu.

4. EXCERPTS FROM INDIANA CRIMINAL CODE

§ 35-1-100-2 DEFINITIONS. Throughout this Article, the following definitions apply:

(1) "Purposely:" A person acts purposely when it is his or her conscious object to engage in conduct. A person purposely causes a particular result when the person purposely engages in conduct and the result is within the contemplation of the actor, or is different only in the seriousness or extensiveness of the harm caused.

§ 35-1-100-4 USE OF FORCE IN SELF-DEFENSE. (a) The use of force toward or upon another person is justifiable when the actor reasonably believes that such force is immediately necessary for the purpose of protecting the actor against the use of unlawful force by another person on the present occasion.

(b) The use of deadly force is not justified unless the actor reasonably believes that such force is necessary to protect the actor from death, serious physical injury, kidnapping or rape; nor is it justifiable if:

- (1) the actor provoked the use of force in the same encounter; or
- (2) the actor knows that the use of deadly force can be avoided by retreat or withdrawal from the encounter, except that the actor is not obliged to retreat from the actor's own dwelling.

(c) In all instances, the defendant shall have the burden of proving self-defense by a preponderance of the evidence.

§ 35-1-102-1 CRIMINAL ATTEMPT. A person is guilty of an attempt to commit a crime if, acting with the kind of culpability otherwise required for commission of the crime, the actor purposely does anything which, under the circumstances as the actor believes them to be, is an act constituting a substantial step in a course of conduct planned to culminate in the actor's commission of the crime. An attempt to commit a crime constitutes an offense of the grade and degree one step lower than the most serious offense which is attempted.

§ 35-2-102-2 MURDER. A person is guilty of murder if the actor purposely causes the death of another human being. Murder is a felony of the first degree.

§ 35-2-10-3 MANSLAUGHTER. (a) A person is guilty of manslaughter when:

- (1) The actor recklessly causes the death of another human being; or
- (2) The actor commits a homicide that would otherwise be murder under the influence of extreme mental or emotional disturbance for which there is reasonable explanation or excuse. The reasonableness of such explanation or excuse shall be determined from the viewpoint of a person in the actor's situation under the circumstances as the actor believes them to be.

(b) Manslaughter is a felony of the second degree.

§ 35-2-11-2 AGGRAVATED ASSAULT. A person is guilty of aggravated assault if the actor:

- (a) Attempts to cause serious bodily injury to another, or causes such injury purposely; or
- (b) Attempts to cause or purposely causes bodily injury to another with a deadly weapon.

Aggravated assault under subparagraph (a) is a felony of the second degree; aggravated assault under subparagraph (b) is a felony of the third degree.

5. RECENT DECISION OF INDIANA SUPREME COURT

Cynthia SMITH

v.

The STATE of INDIANA

No. 37071

Supreme Court of Indiana

May 13, YR-2

The defendant was charged with killing her live-in boyfriend. She claimed self-defense. The case is before us to consider whether an expert's opinion regarding "battered woman syndrome" was admissible at trial.

The testimony showed that the defendant and the victim had been living together on and off for several years. On the night of the shooting, the defendant went to bed early. The boyfriend came upstairs and started rubbing her shoulders. The defendant asked him to stop because she was tired. The defendant shook her and said, "You don't tell me when to touch you." The defendant started to go downstairs, but the boyfriend balled his fist and told her she was not going anywhere. Then he kicked her in the back, hit her in the head with his fist, choked her, threw her against the door, and hit her with a lamp. He announced he was leaving to get a six-pack, but would be back later and she better be there. When he left the house, the defendant tried to call her mother but the boyfriend had pulled the telephone out of the wall. After a few minutes, the defendant heard the boyfriend returning. She got a gun out of a chest of drawers and shot him as he came through the front door.

The evidence also showed that the boyfriend had beaten the defendant periodically over the six years they were together. She was scared to stop seeing him because he made threats. After the beatings he would apologize and say he loved her. She never called the police or told her friends because she believed him when he said he would not hit her anymore.

The defendant offered the expert testimony of a clinical psychologist that this behavior is consistent with "battered woman syndrome" in which the victim lives in constant fear of the man who beats her. The expert also would have testified that women suffering this syndrome often do not report the beatings. The expert was not permitted to testify.

Most courts that have considered the question of the admissibility of "battered woman syndrome" have held it to be admissible (Citations omitted)... They hold that the testimony is relevant because it helps the jury evaluate the truthfulness of the defendant's claim that she perceived herself to be in imminent danger and thus acted in self defense.

Our law of self-defense is that a person who is not the aggressor in an encounter is justified in using reasonable force against an adversary when she reasonably believes she is in imminent danger of bodily harm and must use force to protect herself. This is neither a subjective nor an objective standard, but asks the jury to look at the encounter from the standpoint of a reasonable person in defendant's position. When a battered woman strikes back she may not be in what most people would consider immediate danger at the time she kills her abuser. Evidence of battered woman syndrome is offered to try to convince a jury that from the defendant's perspective, she was in a situation where deadly force was necessary to protect herself from serious injury or death. Such testimony is minimally relevant, and it is then up to the jury to decide whether her perception was reasonable.

The trial court's judgment is reversed.

6. EXCERPTS FROM INDIANA CIVIL STATUTES

§ 34-24-3-1. Damages in civil action. If a person suffers a pecuniary loss as a result of an intentional act that violates the Indiana Penal Code, the person may bring a civil action against the person who caused the loss for the following:

- (1) An amount not to exceed three (3) times the actual damages of the person suffering the loss.
- (2) If the person suffering loss for pain was admitted to a hospital, a reasonable amount to compensate the person for pain, suffering and emotional distress not to exceed \$300,000.00.
- (3) The costs of the action.
- (4) A reasonable attorney's fee.
- (5) A reasonable amount to compensate the person suffering loss for time used to assist the criminal investigation, attend court proceedings related to the criminal trial, and
- (6) All other reasonable costs of collection.

§ 34-24-3-2. Defenses. (a) In any suit brought pursuant to § 34-24-3-1, the defendant may assert as a defense any defense that would be available under the Criminal Code, title 35.

(b) The defendant shall have the burden of proof by a preponderance of the evidence as to all elements of any defense asserted under subsection (a).

STATE OF INDIANA
County of Monroe

FILE # 08606

THE STATE OF INDIANA)

vs.)

BARBARA W. TOWNSLEY,)
Defendant)

INDICTMENT

THE GRAND JURORS FOR THE STATE UPON THEIR OATH PRESENT:

That on or about the 6th day of July, YR-1, at or about 7:30 p.m., in Monroe County, BARBARA W. TOWNSLEY unlawfully and willfully did feloniously:

- Count I: Attempt to murder Nicholas B. Townsley by shooting him with a handgun with the intent to kill him therewith, in violation of Indiana Criminal Code § 210.2.
- Count II: Assault Nicholas B. Townsley with the intent and purpose to cause him bodily harm, and did cause him serious bodily injury by shooting him with a handgun and inflicting wounds upon him, in violation of Indiana Criminal Code § 211.2.

George Bell
Assistant District Attorney

WITNESSES CALLED TO TESTIFY BEFORE GRAND JURY:

Nicholas B. Townsley
Dr. Jordan S. Fox
Det. Patrick McCardle, BPD

This bill was found to be X a True Bill/___ not a True Bill.

This the 15th of July, YR-1 Michelle Davis
Grand Jury Foreperson

In the Monroe County Circuit Court
State of Indiana

NICHOLAS B. TOWNSLEY)
Plaintiff)
)
vs.) Civil No. 19127
)
BARBARA W. TOWNSLEY)
Defendant)

**COMPLAINT FOR COMPENSATORY DAMAGES
FOR PERSONAL INJURIES**

Plaintiff, Nicholas B. Townsley, by counsel, alleges as his complaint against the defendant the following:

1. The jurisdiction of this Court is based on Indiana Constitution, Article 5, §1, and Indiana Code §§14-13-80 and 14-15-6.

2. Plaintiff is and at all times herein mentioned was a resident of the City of Bloomington, County of Monroe, State of Indiana.

3. Defendant Barbara W. Townsley is and at all times herein mentioned was a resident of the City of Bloomington, County of Monroe, State of Indiana.

4. On or about July 6, YR-1, defendant without provocation or justification, did intentionally shoot plaintiff with a handgun with the intent to injure or kill him, and did thereby cause him grievous injuries, pain and suffering.

5. The shooting occurred on the premises of the Meadow Park Apartments, 800 N. Smith Road, Bloomington, Indiana.

6. The acts of the defendant were in violation the Indiana Criminal Code, so this action may be maintained pursuant to § 34-24-3-1.

7. As a proximate result of the intentional and tortious conduct of defendant, plaintiff sustained multiple injuries and was admitted to the hospital, where he incurred medical and other expenses of \$14,920 in connection therewith.

8. As a proximate result of the intentional and tortious conduct of defendant, plaintiff was unable to engage in his occupation for a period of 60 days and lost \$8,000 in wages thereby.

9. As a proximate result of said conduct and the injuries received, plaintiff was in great pain and suffered for a period of six months.

WHEREFORE, Plaintiff demands relief as follows:

- A. Treble compensatory medical damages pursuant to Ind. Code § 34-24-3-1 in the amount of \$44,760.
- B. Treble compensatory damages for lost income in the amount of \$24,000.
- C. Compensatory damages in the amount of \$300,000 for pain and suffering.
- D. Punitive damages in the amount of \$1,000,000.
- E. Such other relief as the court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b), Indiana Rules of Civil Procedure, plaintiff hereby demands trial by jury on all issues in this action.

August 12, YR-1

George Baker
George L. Baker
Attorney for Plaintiff
Lerner Law Office
3131 E. Third St.
Bloomington, Indiana

In the Monroe County Circuit Court
State of Indiana

Nicholas B. Townsley)
Plaintiff)
v.) Civil No. 19127
Barbara W. Townsley)
Defendant)

**ANSWER TO COMPLAINT AND
STATEMENT OF AFFIRMATIVE DEFENSES**

COMES NOW the defendant Barbara W. Townsley, by counsel, and answers plaintiff's complaint as follows:

1. Defendant admits the allegations asserted in paragraphs 1-3 of the complaint.
2. Defendant denies the allegations contained in paragraphs 4-9 of the complaint.

First Defense

10. If Defendant did the acts alleged in the complaint, she did so in self-defense of her person, using no greater force than was reasonable and necessary to protect herself from imminent serious bodily harm.

Second Defense

11. If Defendant did the acts alleged in the complaint, she did so without intent or malice, and acting under the influence of battered woman syndrome.

Third Defense

12. If Defendant did the acts alleged in the complaint, no action for punitive damages lies under Ind. Code § 34-24-3-1.

WHEREFORE, Defendant prays that the complaint be dismissed and she recover her costs and expenses incurred herein.

Megan Minnick
Megan S. Minnick, Attorney for Defendant
HOUSTON, MINNICK & DOS SANTOS
100 N. Walnut Street, Bloomington, Indiana

CERTIFICATE OF SERVICE

The undersigned certifies that on September 13, YR-1, she served a copy of this Answer on counsel for plaintiff by first class mail addressed to George L. Baker, Lerner Law Office, 3131 E. Third St., Bloomington, Indiana.

Megan Minnick
Megan S. Minnick

TRANSCRIPT OF TELEPHONE CALL
MONROE COUNTY JOINT DISPATCH
6 JULY YR-1
19:31

Operator 04: Emergency dispatch. What is your emergency?

Caller: Hello. Hello. There's been a shooting. Gunshots.

O: Are you in a safe place?

C: Yes, I'm in my apartment.

O: What is your location?

C: My what? Oh, my my I'm at Meadow Park apartments. Apartment 3-C.

O: That's Meadow Park apartments on Smith Road?

C: Yes.

O: Where is this shooting? Can you see it or hear it?

C: What? See, yes. It was outside the apartment in the parking lot.

O: Can you describe the location?

C: The parking lot in front of my apartment.

O: That's the parking lot in front of apartment 3-C?

C: Yes.

O: Where is that in relation to the entrance to the apartment complex?

C: What?

O: Where is that in relation to the entrance? How does an officer get to your apartment?

C: Umm, it's the first set of buildings on the right after you enter.

O: Is anyone injured?

C: Yes, Nick's been shot.

O: Nick who?

C: Who? My neighbor, Nick, umm,. Nick, umm.

O: Can you see the scene from where you are now?

C: Yes.

TRANSCRIPT PAGE 2

O: Can you see the injured man?

C: Yes.

O: Do not leave your apartment. Does he look seriously hurt?

C: Yes, yes. He's on the ground not moving.

O: Did you see who shot him?

C: Yes, it was his wife, Barbara.

O: Do you know Barbara's last name?

C: Yes. Townsley. Barbara Townsley.

O: Is she still at the scene?

C: Yes.

O: Can you describe her?

C: Yes. She's in her 40s, medium height and build, brown hair sort of shoulder length and straight, umm, yellow flowered shirt. She's wearing something yellow with flowers on it.

O: What is her race? Is she black, white, Asian, or what?

C: White. She's white.

O: Okay. Is she still armed? Does she have the gun?

C: I'm not sure. I can't see it but I'm not sure.

O: Okay. Do not go outside to check. Is there anyone else on the scene?

C: Yes. There's a woman next to Nick's body.

O: Can you tell if she has been injured?

C: No, I don't know. It doesn't look like it.

O: Anyone else? Any bystanders? Is there a crowd?

C: No. There were a few people around but they all ran when Barbara started shooting.

O: Can you describe what happened?

C: Nick and Barbara were fighting in the parking lot, yelling and hitting at each other. Then Barbara got a gun and shot him.

TRANSCRIPT PAGE 3

O: Okay. Can you hear any police sirens yet?

C: Yes. Oh, there's a police car. I can see it.

O: Okay. Stay in your apartment until the officer comes to your door, okay?

C: Okay.

O: May I have your name?

C: Yes, James Lane.

O: L-A-N-E?

C: Yes.

O: And is your telephone number 246-2844?

C: Yes.

O: And your address is Meadow Park Apartment number 3C?

C: Yes.

O: Okay. Thank you for your help. An officer will contact you shortly.

C: Alright.

CERTIFIED AS TRUE AND ACCURATE
MONROE COUNTY DISPATCHER
DATE: 09/12/-1 BY: Margaret Goodnight

BLOOMINGTON POLICE DEPARTMENT INCIDENT REPORT

1 DATE OF REPORT: **7/06/YR-1**
2 TIME: **11:10 pm**
3 OFFICER'S NAME: **Tracey Roberts Essing**
4 RANK.BADGE: **PO / 3147**
5 ROLE: **First Ofc on scene**

6 DEFENDANT NAME/SEX/AGE: **Barbara W. Townsley / F / 41**
7 ADDRESS: **800 N. Smith Rd apt 4C, Bloomington**
8 CRIMES: **210.2 Att murder, 211.2 Assault**

9 VICTIM NAME: **Nicholas B. Townsley**
10 SEX: **M**
11 AGE: **53**
12 ADDRESS: **800 N. Smith Rd apt #4C, Bloomington**
13 CONTACT INFORMATION: **812-244-0316**
14 EMPLOYER: **Stone Electric**

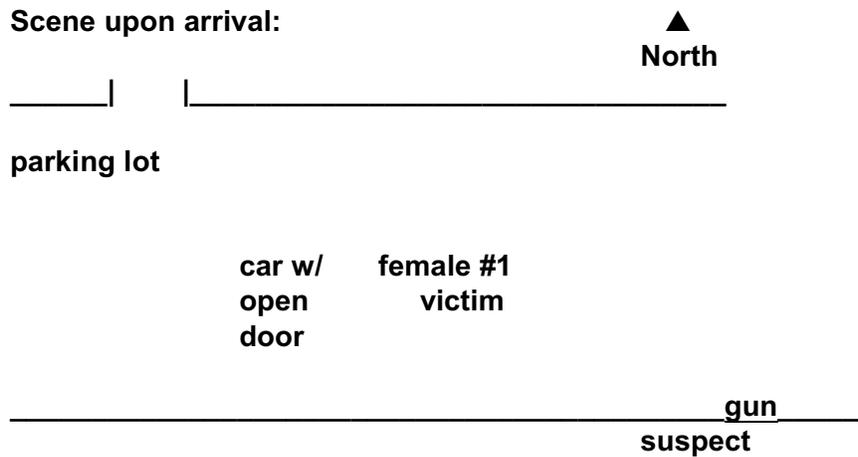
15 DATE OF CRIME: **7/06/YR-1**
16 TIME: **7:30 pm**
17 LOCATION: **Meadow Park Apartments on Smith Road**
18 TYPE OF PREMISES: **Parking lot**
19 WEATHER: **approx 80 degrees**
20 HOW ATTACKED OR COMMITTED: **Defendant shot husband following domestic dispute**
21 WEAPON/TOOLS: **revolver recovered by Det. McCardle**
22 PERSON REPORTING CRIME: **911 call**
23 ADDRESS:
24 CONTACT INFORMATION:
25 TIME/DATE OF REPORT:
26 TOTAL VALUE STOLEN:
27 TOTAL VALUE RECOVERED:
28 CURRENCY:
29 JEWELRY:
30 AUTOS:
31 COMPUTERS/TV ETC:
32 FIREARMS:
33 OTHER:

34 TOTAL PERSONS INVOLVED: **1**
35 TOTAL ARRESTED: **1**
36 ADULTS ARRESTED: **1**
37 JUVENILES ARRESTED: **0**
38 TOTAL AT LARGE: **0**

39 OTHER BPD OFFICERS INVOLVED: **Det. Patrick McCardle**

40 NARRATIVE: At about 7:35 pm, while on routine patrol in the Park Ridge neighborhood, dispatch sent me to the Meadow Park Apartments on Smith Road to investigate a 911 report of a shooting by a female suspect in the parking lot near units B and C. Dispatch reported multiple gunshots and probable injuries. I was instructed to proceed code 3 and was told that other officers including critical incident team was also being dispatched.

I arrived on the scene withing 2 minutes. Male victim was lying in parking lot bleeding, head north and feet south. Female #1 was kneeling beside him on his NW side. Female #2 was sitting on the grass at the edge of the parking lot with her head down. As I drove up, Female #1 pointed to female #2 and said she had shot him. Gun was on ground approx. 2 feet from female #2. I pulled my weapon and instructed her to turn around and lie face down on the ground. She made no response or movement and appeared to be dazed or in shock. I approached, placed her in restraints with hands behind her. She did not resist or speak.



At this point, Det. McCardle arrived. He recovered handgun and instructed me to assist victim. Victim was middle-aged male who was unconscious but had pulse and respiration. Female #1 said victim's name was Nick Townsley, her name was Tina Moran, and that suspect's name was Barbara Townsley. I asked her to step back so I could assist victim and instructed her to give her statement to McCardle. I then called in a code 4 that the scene was secure and CIT not needed. I requested EMT assistance. Dispatch said EMT already on the way. EMT arrived approx. 7:45. McCardle requested that I accompany victim to hospital and obtain a statement if possible. I left scene and followed EMT to Monroe Hospital ER. Victim made no statement at scene or in ER. He was taken into surgery. I remained at hospital until approx. 9:15 when McCardle arrived and said I could return to regular patrol.

41 OFFICER'S SIGNATURE: Tracey R. Essing, 3147

BLOOMINGTON POLICE DEPARTMENT INCIDENT REPORT

- 1 DATE OF REPORT: **7/06/YR-1**
- 2 TIME: **10:45 pm**
- 3 OFFICER'S NAME: **Patrick McCardle**
- 4 RANK.BADGE: **Det / 3111**
- 5 ROLE: **Chief investigator**

- 6 DEFENDANT NAME/SEX/AGE: **Barbara W. Townsley F41**
- 7 ADDRESS: **800 N. Smith Rd #4C, Bloomington**
- 8 CRIMES: **210.2 Att murder, 211.2 Assault**

- 9 VICTIM NAME: **Nicholas B. Townsley**
- 10 SEX: **M**
- 11 AGE: **53**
- 12 ADDRESS: **800 N. Smith Rd #4C, Bloomington**
- 13 CONTACT INFORMATION: **244-0316**
- 14 EMPLOYER: **Stone Electric**

- 15 DATE OF CRIME: **7/06/YR-1**
- 16 TIME: **7:30 pm**
- 17 LOCATION: **Meadow Park Apartments, Smith Road**
- 18 TYPE OF PREMISES: **Parking lot**
- 19 WEATHER: **hot, dry**
- 20 HOW ATTACKED OR COMMITTED: **Defendant shot husband during domestic altercation**
- 21 WEAPON/TOOLS: **.32 H & R revolver, serial # AP-45225**
- 22 PERSON REPORTING CRIME: **James W. Lane**
- 23 ADDRESS: **800 N. Smith Rd Apt. 3C**
- 24 CONTACT INFORMATION: **244-2886**
- 25 TIME/DATE OF REPORT: **7:40 pm 7/06/YR-1**
- 26 TOTAL VALUE STOLEN:
- 27 TOTAL VALUE RECOVERED:
- 28 CURRENCY:
- 29 JEWELRY:
- 30 AUTOS:
- 31 COMPUTERS/TV ETC:
- 32 FIREARMS:
- 33 OTHER:

- 34 TOTAL PERSONS INVOLVED: **1**
- 35 TOTAL ARRESTED: **1**
- 36 ADULTS ARRESTED: **1**
- 37 JUVENILES ARRESTED: **0**
- 38 TOTAL AT LARGE: **0**

- 39 OTHER BPD OFFICERS INVOLVED: **Tracey Essing**

40 NARRATIVE: At about 7:40 pm, I responded to a report of a shooting in a parking lot in front of Building C at Meadow Park Apartments, 800 N. Smith Road. Victim was Nicholas Townsley, apartment 4C. Perpetrator was Barbara W. Townsley, same address, wife of victim. Neighbors on scene reported that suspect shot her husband with handgun during domestic altercation. James W. Lane who called in the incident said he heard gunshots but did not know details. Victim unconscious, removed to Monroe County Hospital by EMT. F/O/S Essing said victim unconscious when she arrived and made no statements and that suspect also made no statements.

I recovered a .32 caliber revolver at the scene belonging to suspect containing 6 empty cartridges and smelling like it had just been fired. Suspect was at scene, appeared to be in state of shock, but did not appear hurt. Several recent bruises on suspect corroborated domestic altercation explanation. Suspect taken to police station and booked on preliminary assault charge. After warnings, suspect gave voluntary statements that was recorded and transcribed.

Cleared by arrest.

41 OFFICER'S SIGNATURE: *Patrick McCardle*



BARBARA TOWNSLEY
07/06/YR-1

H & R #AP45226

BLOOMINGTON POLICE DEPARTMENT INVESTIGATION REPORT

- 1 DATE OF REPORT: 7/07/YR-1
- 2 OFFICER'S NAME: Patrick McCardle #3111
- 3 DEFENDANT NAME: Barbara W. Townsley
- 4 FILE NO: 08606

5 NARRATIVE: Returned to meadow Park Apartments, conducted door-to-door witness search in units B and C. Resident manager Amos Schneider confirmed following tenants:

- 1B- Unoccupied
- 2B- David Hume and Ashley Winslow
- 3B- Marcus Rivera
- 4B- Jason Devereaux
- 5B- Unoccupied
- 6B- Susan Fields and Ashley Friedhoff
- 7B- Holly Bergman
- 8B- Ran Narisuaskje
- 1C- Roger Stringer
- 2C- Randy Hamric
- 3C- James Lane
- 4C- Nicholas and Barbara Townsley
- 5C- Unoccupied
- 6C- Abdullah Prabhakar
- 7C- Perry Cumberland and Clare Fitzgerald
- 8C- Unoccupied

2B: No response. Hume/Winslow reported to be students gone for summer.

3B: Rivera says he was not home. Lives alone. Does not know the Townsleys.

4B: Devereaux lives alone. Says he heard shouting, looked out window, saw a shoving match between two people he did not know, He then went to kitchen in back of apartment and did not hear anything until police sirens. He had TV on, and did not hear any gunshots. Went outside, saw ambulance leaving and handcuffed woman being placed in patrol car. Stayed on the edge of the small crowd and did not hear anyone say anything about what happened. Read news account of shooting. Does not know the Townsleys.

6B: No response.

7B: Bergman says she works evenings 4:00- midnight so was not home and did not know anything had happened until she talked to me. Says she knew Barbara Townsley somewhat and that Barbara had mentioned being afraid of her husband but that she did not know much about their personal lives and had no idea why Barbara would shoot husband.

8B: Narisuaskie spoke limited English and said he did not know or see anything. Does not know Townsleys. Unable to ascertain whether he lives alone.

1C: Stringer says he was not home. Does not know Townsleys. Lives alone.

2C: Hamric is a graduate student in the geology department. Lives alone. He was home watching TV. Heard commotion outside a little before 7:30. He went outside and saw a fight between two women and a man. He describes it as mostly yelling, shoving and hair pulling. He says three or four other tenants also came out but he is not sure which ones or from which apartments. He is new and does not know his neighbors. He says the fight ended with the man and one of the women getting into a car and the other woman going into apartment 4C. He went back inside. He estimates two or three minutes later he heard several gunshots, not sure how many. They were all together rapid fire without any space between them. He looked outside, saw woman from apartment 4C with a gun in her hand. Her back was turned to him so he could not say anything about her facial expression. Man was on the ground not moving. Did not see other woman. Woman with gun then sat down on edge of the parking lot. A few minutes later the police arrived and he saw them handcuff her and arrest her.

3C: Lane is hospital technician. Lives with wife Nancy Newton, teacher, who was not home the night of the shooting. Lane knows Townsleys and says they have a history of domestic violence. He says that Nick is a violent person who has threatened him in the past. Lane says he was leaving apartment around 7:30 and saw Nick in the parking lot with a woman he did not know. He was angry, agitated, and behaving erratically. Lane thought he might have been on drugs or intoxicated. Barbara came out of the apartment with a frying pan and confronted Nick, who attacked her with his fists, knocked her to the ground, and continued to beat her as she lay on her back. Some other people came out of their apartments but no one intervened. Nick got the frying pan away from Barbara and threw it away. Barbara ran back inside the apartment. Then Nick started to threaten the crowd to get the hell out there, so Lane took cover in his car parked at the end of the row. Barbara came back out of the apartment and she and Nick started yelling at each other. Nick then picked up the frying pan and hit Barbara with it. The frying pan slipped out of his hand and Barbara fell to her knees. Nick walked toward the frying pan shouting he was going to teach her a lesson. Barbara then shot Nick several times. Lane does not know exactly where people were at the time of the shooting -- says he was startled. His best recollection is that Nick did not have the frying pan or any weapon in his hands at the time of the shooting, but he could not see clearly because there were cars in the way. He then went back inside his apartment and called emergency 911.

6C: Would not answer the door.

7C: Cumberland and Fitzgerald were home. They heard shouting in the parking lot and came out on the balcony (7C is a second floor apartment). They saw a man and woman fighting in the parking lot. Recognized them as couple living downstairs but did not know their names. Could not tell who started it. Both parties were hitting each other. Man eventually knocked woman down and said something about learning her lesson. Woman went back into the apartment for a minute and then came back out. Man started to approach her shouting that she should just stay inside. Woman pulled a gun and pointed it at him. Man put hands up and said something like "Go ahead and shoot me you bitch." Then he turned towards a car that had its door open, took about three steps and the woman shot him. Tenants said they then ran back into the apartment and locked the door and did not emerge until the police arrived.

6 OFFICER'S SIGNATURE: *Patrick McCardle*

CITY OF BLOOMINGTON

 POLICE DEPARTMENT

“TO SERVE AND PROTECT”

LEGAL RIGHTS ADVICE FORM

Before we ask you any questions, you must understand your rights.

1. You have the right to remain silent.
2. Anything you say can and will be used against you in court.
3. You have the right to consult with a lawyer before we ask you any questions, and to have the lawyer present with you during questioning.
4. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
5. If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time.

WAIVER

I have read this statement of my rights and I understand what my rights are. I understand that I may ask for clarification and explanation of my rights if I do not understand them. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me, and no pressure or coercion of any kind has been used against me.

Date: July 6, YR-1

Signature: Barbara W. Townsley

Witness: Patrick McCardle

Witness: _____

Time: 9:30 pm

Place: BPD Building

STATEMENT OF BARBARA W. TOWNSLEY

Date: July 6, YR-1
Place: Bloomington Police Department
220 E Third Street, Bloomington, Indiana
Time Began: 9:30 p.m.
Present: Det. Patrick McCardle, Lt. Kevin Delong
Barbara W. Townsley
Dodie Bowman, stenographer and notary public

- 1 Ms. Bowman: Ms. Townsley, do you swear to answer truthfully all questions asked?
2 Ms. Townsley: Yes.
3 Det. McCardle: Will you state your full name, home address and place of employment?
4 A: Barbara Williams Townsley, Apartment 4C, 800 N. Smith Road, Bloomington. I don't work.
5 Q: Is that the Meadow Park Apartment complex?
6 A: Yes.
7 Q: How long have you lived there?
8 A: Five years.
9 Q: With your husband?
10 A: Yes.
11 Q: Did you shoot your husband this evening?
12 A: Yes.
13 Q: Are you currently on drugs, medication or alcohol?
14 A: No.
15 Q: Do you require medical attention?
16 A: No.
17 Q: Why did you shoot your husband?
18 A: I don't know exactly. I thought he would kill me.
19 Q: Please tell me about your personal and family background.
20 A: I am 41 years old and have lived here all my life. I went to High School but not to college.
21 My parents live at Lake Havasu, Arizona. Nick was my first husband and we have no
22 children. I met Nick eight years ago. We dated for two years and then got married. He
23 had two children by his first marriage who lived with his wife. I had worked as a secretary
24 for Stonebelt Truck Lines and as a cashier at Kroger's supermarket, but Nick made me stop
25 working when we got married.
26 Q: What was your maiden name?
27 A: Williams. I wanted to keep my name when I got married, but Nick insisted that I take his
28 name.
29 Q: Do you have a criminal record of any kind?
30 A: No.
31 Q: Have you ever been disciplined by an employer, teacher, or other person of authority?

1 A: Not since high school. Junior year of high school I was suspended from school for a week
2 for cheating on a test.

3 Q: Any other such incidents?

4 A: No.

5 Q: Tell me about your marriage to Nicholas Townsley.

6 A: Well, we met at a party. He was getting a divorce but it wasn't final yet. We started dating.
7 It was casual at first, but gradually got more serious. I guess Nick got serious first. He
8 would get real jealous if I went out with anyone else. I was a little scared of his anger -- he
9 could just explode. But it would blow over quickly. We got married six years ago on June
10 19. I guess it was a pretty ordinary marriage. I quit work and tried to make Nick happy and
11 keep a good home for him. I'm not all that good a cook, and I guess he was kind of
12 disappointed. After the first year, the marriage got kind of unhappy. I got pregnant but
13 there was a miscarriage because I was too old, and the doctor said we couldn't have any
14 kids. Nick wanted a big family, and he blamed me for not being able to get pregnant. It got
15 so I just couldn't please him. I remember our first anniversary, I cooked a special dinner
16 but it didn't come out right. Nick yelled at me that I was trying to poison him and he
17 dumped out his food, so I said I'd make him something else. I went to heat some casserole
18 in the microwave and he pushed me and I fell into the door of the microwave and split open
19 my forehead. It started to bleed and Nick started screaming incoherently and stormed out
20 to his car and left.

21 There were several incidents after that where Nick hit me. I don't remember specific
22 dates or anything. Something would happen. He would blow up about inconsequential
23 things. Sometimes he broke furniture or dishes. Once about three years ago, he pulled
24 a kitchen knife and slammed it into the butcher block and the blade snapped. The police
25 came but didn't do anything. One of the worst days was in the spring, YR-3, when I wanted
26 to go shopping. He had promised me I could go. I hadn't had any new clothes in a year.
27 I got dressed up on Saturday morning to go, and he said, "Where do you think you're
28 going?" I said, "Shopping." He said, "How are you going to get there -- walk?" I said I was
29 going to drive. He said, "No you're not, I'm using the car." I started to cry and said he'd
30 promised. He stormed out of the house and got in the car. I ran out and stood in front of
31 the car and said this wasn't fair. He drove the car into me, knocking me down. He gunned
32 the engine and said he'd run over me if I didn't get up. I was able to get back into the
33 house. I couldn't get out of bed for a week.

34 Q: Did you report this to the police?

35 A: No. I was afraid to.

36 Q: Did Nick ever hit or harm anyone else?

37 A: No, not that I saw.

38 Q: Do you know if he hit his first wife or children?

39 A: I'm not sure. I guess not. But Nick has a violent temper and he might have, but I wasn't

1 there. I just don't know.

2 Q: Did Nick ever threaten you with a gun?

3 A: No.

4 Q: Did you ever call the police?

5 A: Yes, once, when he threatened me with the knife. They told me they couldn't do anything

6 about family matters.

7 Q: Did you ever seek help from your family?

8 A: I called my mother a couple of times in the beginning, but she told me to work things out

9 and not to call the police because it would only make things worse. She would say that you

10 have to work at a marriage. I never really told her how serious it was, because I was too

11 embarrassed.

12 Q: Do you have any contact with Nick's children?

13 A: Sure. They were still in high school when Nick and I first started dating and they'd come

14 over sometimes.

15 Q: Why didn't you leave Nick?

16 A: I don't know. At first, he loved me and needed me, and would always be sorry when he hit

17 me. He didn't hit me that often -- not every day or anything like that. There were times

18 when he was very loving and tender. When things got bad, I guess I had no place to go

19 and no money. The money was all in Nick's name, even the money I got from my

20 grandmother when she died. I always thought we could work things out. He still brought

21 me flowers and candy, and we would slow-dance in the living room and he would sing love

22 songs to me. Even when his anger got more frequent over the last year, he still expressed

23 caring and tenderness toward me.

24 Q: How was your marriage the last few months?

25 A: Nick started running around with Tina, and things started to get worse at home. We

26 seemed to fight more often and he started staying out all night. In the last few weeks he

27 started talking about divorcing me and moving in with Tina. He said he was tired of me and

28 wanted a real woman.

29 Q: Tina Moran?

30 A: Yes, I guess that's her last name.

31 Q: Did he have any life insurance?

32 A: I don't know. He handled the finances and wouldn't tell me anything.

33 Q: Do you consider yourself a battered woman?

34 A: No. I'm not one of those women who stayed and stayed to be beaten. Nick wasn't like that.

35 He flew off the handle, but he didn't beat me over and over. Up until the last few months

36 I was okay.

37 Q: Okay, let me ask about the gun you used to shoot Nick.

38 A: Okay.

39 Q: Is this weapon your gun?

1 A: Yes. I bought it six months ago for protection.

2 Q: From Nick?

3 A: Yes.

4 Q: Have you ever fired your gun at a person?

5 A: Not before tonight.

6 Q: Okay. Now, turning to the events of this evening, please tell me in your own words what
7 happened.

8 A: Nick came home at 4:30 p.m. as usual. I made dinner and we ate and I started washing
9 the dishes. A little before 7:30 p.m. Nick got a phone call and said he had to go out. I knew
10 it was his girlfriend Tina. He walked out the front door of the apartment. I was in the middle
11 of washing the frying pan. I thought he was leaving me for good, so I ran out after him, still
12 carrying the wet frying pan. When I got to the parking lot, Tina was there with Nick. I heard
13 her telling Nick to calm down, and she had her hand on his arm. He said, "I'm not going
14 to tell you anything." He was very loud and his face was red. The he saw me and
15 screamed, "What do you want? Get out of my face." He pushed Tina hard and she fell
16 down. I asked Nick to be quiet or the police would have him arrested. He shouted at me,
17 "You don't tell me what to do, you bitch." Then he slapped me. Some other tenants had
18 gathered, and someone -- I don't remember who -- said they were going to call the police.
19 I heard Tina tell Nick again to be quiet, and calm down or she was leaving. She opened
20 the door of her car, but Nick pulled her out and hit her. I ran over and begged him to stop
21 and come back inside the apartment. He said, "You're not telling me anything." Then he
22 hit me and knocked me to the ground. He jumped on me, and I hit him with the frying pan,
23 hitting him once on the head. It didn't even phase him. I tried to hit him again, but Nick just
24 jerked the frying pan out of my hand. He hit me once with it and then raised it over his head
25 in a clenched fist. I scrambled away. He threw it at me, but missed. Then Nick started
26 coming at me. I ran back into the apartment and looked out the window. Nick was coming
27 toward me. I grabbed the gun. I came back outside. Nick came up about 2 feet away and
28 said he was going to have to teach me a lesson. He had the frying pan in his hand and he
29 hit me in the face with it. I fell to my knees a little stunned. When I looked up, I saw Nick
30 about ten feet away at the open door of Tina's car. He was getting something out of it, not
31 getting into it. Then he turned around and started toward me again. I thought he was going
32 to kill me this time. This time he was going to get a weapon and kill me. I pointed my gun
33 at him and fired. I was in shock. I don't remember how many times I pulled the trigger, just
34 the sound of the gun clicking after all the bullets were used up. Nick was lying on the
35 ground, bleeding. A few minutes later, a police car arrived.

36 Q: Did Nick have a gun or weapon in his hand just before you fired?

37 A: I thought he might. I'm not sure.

38 Q: Did you see a gun in his hand?

39 A: No.

1 Q: How far away was he when you fired?
2 A: I don't know. Maybe 10 feet.
3 Q: Please describe exactly where Tina's car was.
4 A: It was right in the middle --
5 Q: Could you draw a sketch that we can attach to this statement?
6 A: Sure. Okay.
7 Q: When Nick hit you the first time, describe exactly what he did.
8 A: He slapped the side of my head with his open hand.
9 Q: Now, just before you fired your gun, could you mark where you were on the drawing?
10 A: Okay.
11 Q: Was your back against a parked car?
12 A: No. I was a few feet away.
13 Q: Was anything obstructing you to the left or right?
14 A: No. That's just open parking lot.
15 Q: Why didn't you just run away?
16 A: I didn't think about it. It all happened real fast.
17 Q: Do you know James W. Lane?
18 A: Yes, he's a neighbor. We're friendly but not friends.
19 Q: Do you know Holly Bergman?
20 A: Yes. She's also a neighbor two doors down and my only friend in the apartments.
21 Q: Do you know the names of Nick's children?
22 A: Yes. Justin and Danielle. They're twins.
23 Q: Was Nick drinking this evening?
24 A: He had four or five beers around supper time.
25 Q: Did you know Tina Moran her personally?
26 A: Not exactly.
27 Q: What do you mean?
28 A: Well, she called the apartment a lot. She had something going with Nick.
29 Q: Before you fired your gun, did you give Nick any warning?
30 A: I'm not sure. I don't think so. It all happened fast.
31 Q: Are you aware you shot him in the back?
32 A: No. He was definitely coming toward me when I pulled the trigger.
33 Q: Were you seriously injured in any way?
34 A: No. He hit me a couple of times but I guess I'm okay.
35 Q: Why did you pull the trigger?
36 A: I was afraid for my life. I thought he would kill me this time.
37 Q: Did you consider any other choice?
38 A: No, there was no alternative.
39 Q: Why didn't you run away?

1 A: I was on the ground at the time.

2 Q: Why didn't you just leave him -- get a divorce?

3 A: I didn't have any money or any place to go. Even if I'd tried to run, Nick would have found
4 me and killed me. He told me he would.

5 Q: Do you have anything you would like to add?

A: No.

END OF STATEMENT

CITY OF BLOOMINGTON

 POLICE DEPARTMENT

“TO SERVE AND PROTECT”

TO: ATTORNEYS
FROM: LT. KEVIN DELONG
DATE: OCT 21, YR-1
RE: BARBARA W. TOWNSLEY

We looked through our files and were able to locate three prior incident reports concerning Barbara W. Townsley and Nicholas Townsley. They are attached. These reports are routinely filled out by our officers who respond to a field call.

1 State of Indiana)
2)
3 -against-)
4)
5 Barbara W. Townsley)
6

7 **DEPOSITION OF NICHOLAS B. TOWNSLEY**
8

9 Date: November 10, YR-1
10 Place: Public Defender's Office
11 304 N. Morton St, Room 209
12 Bloomington, Indiana
13 Present: George Baker, for the State
14 Bonnie Martin, for the defendant
15 Nicholas B. Townsley
16 Diana Watts, stenographer and Notary Public
17

18 MS. WATTS: Mr. Townsley, do you swear to answer truthfully all questions
19 asked during this deposition?

20 MR. TOWNSLEY: I do.

21 MS. MARTIN: State your name and address please.

22 A: Nicholas B. Townsley, 800 N. Smith Road, Apartment 4-C, Bloomington.

23 Q: How old are you?

24 A: Fifty-three.

25 Q: Tell me about yourself, like where you live, if you're married, and so forth.

26 A: I live in apartment 4-C, Meadow Park Apartments. I'm married to Barbara.
27 We've known each other since high school. Let's see, I work at Tom Stone
28 Electrical as an electrician. I went to college for two years at the University
29 of Kentucky, but quit and went to work as an electrician.

30 Q: What were your interests in College?

31 A: Mostly playing basketball. I was a physical education major.

32 Q: Have you ever been arrested?

33 A: Yes, several times for public intoxication, trespassing, that sort of thing.

34 Q: Were you ever convicted?

35 A: Yes, I had to pay a fine a couple of times. Most of that was when I was
36 younger. The last one was malicious mischief three years ago. I paid a

1 \$50 fine.

2 Q: What happened?

3 A: I got drunk and dumped garbage in the front seat of a guy's car.

4 Q: Why?

5 A: He was a bartender at the Brown Jug Tavern where I go sometimes, and he'd

6 thrown me out of the bar for being rowdy a couple of days before. I wanted

7 to get even.

8 Q: Tell me about your marriage to Barbara.

9 A: It was okay. We started dating in Yr-8 and got married in Yr-6. She was

10 very loving at first, but lazy and not much fun. She stayed home all the time

11 and I wanted to go out and do stuff. I would have ideas about going to a

12 movie, or going out boating, or meeting some friends at the Brown Jug

13 Tavern, but she'd never want to go out. I think I just fell out of love with her.

14 She was a whiner and complainer.

15 Q: Did you ever hit Barbara?

16 A: A few times, out of frustration. She had a way of needling me that would

17 drive me to the breaking point. She would ask what I wanted for dinner, and

18 when I got home she would have made something I don't like and then she'd

19 claim it was what I said I wanted. She'd agree to go over to my parents'

20 house or do something with my kids, and then at the last minute claim she

21 had a headache. Sometimes she would accuse me of being too old to get her

22 pregnant. I'd get angry and sometimes I'd hit her.

23 Q: Did you ever threaten her with a weapon -- a knife or a gun?

24 A: No, absolutely not.

25 Q: Do you own a gun?

26 A: No.

27 Q: Did you ever run into her with the car?

28 A: Yes, once, but it was an accident. It was in April, Yr-3. I was mad at

29 something and got in the car to leave. I had just started it up when she ran

30 out in front. I couldn't stop and knocked her down.

31 Q: How many times have you hit Barbara over the last six years?

32 A: I have no idea.

33 Q: Too many times to count?

34 A: That's not what I mean. I'd guess I've hit her maybe ten or twelve times

35 since we got married.

36 Q: Did you beat Barbara on your first wedding anniversary?

1 A: No. She fell and hit her head on the door of the microwave oven.

2 Q: In September, Yr-5, did you hit Barbara?

3 A: I don't remember.

4 Q: Do you recall the police being called to a fight between you and Barbara in
5 the fall of Yr-5?

6 A: Not specifically. The police came a couple of times to check on noise. We
7 did have fights but they were mostly shouting. I never seriously hurt
8 Barbara and the police just left each time.

9 Q: Who is Tina Moran?

10 A: I met her about two years ago when I made a service call at her house. She
11 lived alone and all the power had gone out and she thought she heard
12 noises. She was real scared when I got there. I fixed her power -- the main
13 circuit breaker needed to be reset -- and stayed until she calmed down. I
14 ended up staying all night. She was fun to talk to.

15 Q: Have you seen her since then?

16 A: Yes, probably once a week. We've fallen in love.

17 Q: Have you had sexual intercourse with Ms. Moran?

18 A: Yeah.

19 Q: Is your wife aware of this relationship?

20 A: Not a first. We tried to hide it, but I think Barbara probably knew anyway.
21 Wives figure that stuff out. Over the last few months she must have known
22 because she started to get real jealous. She would always ask where I'd been
23 and whether I was with another woman. In my business I'm on call for
24 electrical emergencies one night a week, and every time I went out, Barb
25 would accuse me of seeing someone else.

26 Q: Were you seeing Tina during this time?

27 A: Yes. We were in love. Then on July 4, Tina invited me over to her apartment
28 for a party. Barb got all upset, so I told her I wanted a divorce, that I was
29 tired of her nagging. She put on a real scene, crying and begging me not to
30 leave her. When I started to leave, Barb grabbed me and started pulling at
31 my clothes, and I had to hit her to get free so I could get out the door. A few
32 minutes after I got to Tina's, Barb burst in. I don't know how she knew
33 where I was. She was crying and yelling incoherently about Tina being a
34 tramp and calling her the whore of Babylon and accusing her of breaking up
35 our home.

36 Q: Did she refer to Tina by name?

1 A: I'm not sure. Come to think of it, I don't think so. I don't think she knew
2 which woman was Tina. She probably thought she would catch us alone
3 and didn't realize it was a party.

4 Q: What happened next?

5 A: Barb looked sort of confused and ran out. I spent the night with Tina
6 because I was still mad at Barb. I returned home on July 5 and told Barb
7 again that I was going to see a lawyer and file for divorce.

8 Q: How did she react?

9 A: She said something like she couldn't stand to see me with another woman,
10 that I was being cruel. She seemed sullen and quiet.

11 Q: Describe in detail what happened on July 6.

12 A: I got home about 4:30. We ate supper about 6:00. Then I got -- I mean Barb
13 and I ate dinner together, not Tina -- then I got a phone call from Tina about
14 7:15 saying she was coming over and needed to talk to me. I said not to
15 come to the apartment because Barbara was in one of her moods. She said
16 she had to come over and would meet me in the parking lot in fifteen
17 minutes. At 7:30, I told Barb I was going out for awhile. She said, "So you're
18 going out with that tramp again." I said Tina wasn't a tramp and she could
19 have a divorce any time she wanted it. Barb said, "I'll see you in hell first,"
20 and I left. I went out to the parking lot and Tina pulled up. She got out of
21 the car and told me she had gotten a threatening phone call from her brother
22 who wanted Tina to send him money or he would sue to get half of their
23 mother's estate which she had left all for Tina. It made me angry, and I said
24 something like, "Don't give that S.O.B. anything." Tina told me to calm
25 down. About this time, Barbara came up to me, and said, "I thought I told
26 you not to bring your whore back here." She kept crowding me, you know,
27 stepping real close, and then I would step back, and she would crowd in
28 again, yelling at me.

29 Q: Had you been drinking.

30 A: I'd had one beer for dinner.

31 Q: Any other alcohol that day?

32 A: No, not that I remember.

33 Q: Had you taken any drugs that day?

34 A: No.

35 Q: Have you ever taken drugs illegally?

36 A: Sure. I've smoked marijuana, and I tried cocaine a couple of times.

1 I took amphetamines during exams when I was in college. So what?
2 Everyone does that sort of thing, even presidential candidates. Nothing
3 lately, though, I'm too old for that stuff now.

4 Q: What happened next?

5 A: I was getting real mad. Barb was out of control. I pushed her away and told
6 her to leave me alone. Tina grabbed my arm again and said to forget it, let's
7 get out of here. I pushed her arm away and said, "She can't tell me what to
8 do."

9 Q: How far away was Barbara?

10 A: About five feet. She wheeled around and told me to shut up, that she'd had
11 it. She came toward me, screaming "I've had enough" and I slapped her.
12 She was getting hysterical. At this point Tina said maybe she should leave
13 but I grabbed her arm and said she should stay there.

14 Q: What happened next?

15 A: Barb went crazy. She ran up and screamed at me. She jumped on me
16 grabbed me and started hitting me. I slapped her away, but she came at me
17 with a frying pan. She hit me on the head with it. When she swung a
18 second time, I grabbed her arm and pulled the pan away from her. I held it
19 up and said, "What if I hit you with this, would you like that?" I shook
20 Barbara and she lost her balance and fell.

21 Q: How were you holding the pan?

22 A: Out in front of me, raised a little.

23 Q: Did you threaten Barb with it or try to hit her?

24 A: No.

25 Q: Do you know where she got the big bruises on the side of her face?

26 A: No, maybe she hit her face on the asphalt when she fell down.

27 Q: What happened next?

28 A: Barb ran back inside the apartment. I figured the crisis had passed. I
29 leaned over and picked up the frying pan which was lying on the pavement.
30 Barb came back out of the apartment. I raised the frying pan and said, "Just
31 stay there."

32 Q: How far away were you?

33 A: Twenty or thirty feet.

34 Q: Did she have a gun in her hand?

35 A: Yes, a small black revolver.

Q: Had you ever seen it before?

1 A: No.

2 Q: Would you recognize it if you saw it again?

3 A: Yes, I think so.

4 Q: What did you do next?

5 A: I went over to Tina's car, tossed the pan into the back seat, and reached in
6 to slide the seat back so I could get in the driver's side. I wanted to get out
7 of there. I thought I heard a noise, so I turned around quickly. As I turned
8 around, I saw Barb crying and aiming her gun at me, holding it out in both
9 hands. I tried to run but hit the car door. The next thing I remember is
10 waking up in the hospital.

11 Q: Do you remember being shot?

12 A: No.

13 Q: Did you hear a gunshot?

14 A: No.

15 Q: You didn't see Barbara shoot you?

16 A: No.

17 Q: As best you can, could you sketch a diagram of what happened, where you
18 were and where Barbara was when she shot you?

19 A: Okay.

20 MS. MARTIN: Can we include this as exhibit one for this deposition?

21 MR. BAKER: No problem.

22 Q: Mark where the earlier struggle took place, please.

23 A: Right here, sort of. I'm not sure exactly.

24 Q: Before Barbara fired her gun, did she say anything?

25 A: Not that I remember.

26 Q: What happened in the hospital?

27 A: They put a cast on my right wrist, the one the bullet had broken, put three
28 stitches in my head, and had to operate on me to remove a bullet from my
29 liver. I had tubes coming out of me for drainage for a few days after they
30 operated. And they gave me medication of some kind.

31 Q: Who was your doctor?

32 A: Dr. Fox, Jordan Fox.

33 Q: Have you discussed this case with the district attorney?

34 A: Yes, of course.

35 Q: Has he influenced your testimony in any way?

36 A: No. I am telling the truth.

1 Q: Have you discussed the case with Tina Moran?
2 A: Yes.
3 Q: Have you told her what to say?
4 A: No.
5 Q: Are you aware of any other witness to this incident?
6 A: Well, maybe our neighbor Jim Lane.
7 Q: Did you start the fight?
8 A: No, I was trying to get out of there.
9 Q: How do you feel about Barbara?
10 A: I think she's crazy and I just want to be rid of her. I certainly don't love her
11 anymore. She tried to kill me.
12 Q: By the way, what happened to your first marriage?
13 A: We got divorced.
14 Q: Why?
15 A: My first wife, Theresa, had some mental issues. She was depressed all the
16 time. Our marriage just fell apart.
17 Q: Did you ever hit your first wife, Theresa?
18 A: No, I don't think so.
19 Q: Any children from that marriage?
20 A: Yeah. Twins, Justin and Danielle. They are 26 now.
MS. MARTIN: Nothing further.

WHEREUPON IT WAS STIPULATED THAT READING AND SIGNING BY THE
WITNESS IS HEREBY WAIVED PURSUANT TO RULE 30(e).

I certify pursuant to Rule 30(f) that this is a true record of the deposition.

Diana Watts
Diana Watts

**BLOOMINGTON POLICE DEPARTMENT
ARREST HISTORY**

LAST NAME: **TOWNSLEY**

FIRST NAME: **NICHOLAS**

MIDDLE NAME: **BAKER**

ALIAS:

DATE OF BIRTH: **2/16/YR-52**

PLACE OF BIRTH: **SAN DIEGO CA**

ADDRESS: **800 N. Smith RD #4C, BLOOMINGTON IN**

HAIR: **BRN** EYES: **BRN** SEX: **M** MARKS/SCARS:

HT: **5'11"** WT: **180**

NCIC NUMBER: **561A281101**

OCCUPATION: **ELECTRICIAN**

DATE	OFFICER	CIT NO.	CHARGE	DISPOSITION
1/24/-24	FISHER	1CR54	POSS WEAPON	DISMISSED
5/22/-14	KENLEY	D6346	DISORD CONDUCT	DISMISSED
7/14/-8	MORGAN	Y2123S	ASSAULT, TRESPASS	DISMISSED
4/19/-6	LONG	Y0312U	PUBLIC INTOX	DISMISSED
9/9/-5	MORGAN	Y2190V	TRESPASS, PUB INTOX	GUILTY - \$100 FINE
8/6/-4	LONG	B31601	MALICIOUS MISCHIEF	GUILTY - \$50 FINE

DATE PRINTED: 11/19/YR-1

PROSECUTOR'S OFFICE
OF MONROE COUNTY
107 WEST 7TH STREET
BLOOMINGTON, INDIANA

CRIMINAL INVESTIGATION DIVISION

(811) 332-7305

STATEMENT OF TINA DAWN MORAN

Made To: Pat Enright, Investigator
Place: 107 West 7th St., Bloomington, Indiana
Date: November 3, Yr-1
In re: State v. Townsley

My name is Tina Dawn Moran. I was born October 22, Yr-34, in Atlanta, Georgia. My family moved here when I was four. My parents divorced when I was in high school, and my father left town. I have since lost track of him. After high school, I went to St. Martin College and majored in Government. During my third year, my mother got very ill, so I came home in the spring of Yr-13. I got a job as a fitness instructor at the Women's Health Club, which is an exercise center downtown. I have worked there ever since and I'm now the assistant manager. My mother died shortly after I got back, and I stayed on in our house at 101 Glenwood Avenue, here in Bloomington. I have an older brother, Bruce, who is a pilot in the Navy stationed in Seattle. I am in excellent health, have good hearing, good eyesight, and a good memory.

I have known Nicholas Townsley for two years. I met him when he came over to fix burned-out power switches in my house. The power had gone out in a storm and I called an electrical company in the yellow pages and Nick came out. He fixed the power, and stayed and talked. I liked him a lot. He was intelligent and funny, but a little sad and depressed. He was in an unhappy marriage and I got him to talk about it. His wife, Barbara, had quit her job when they got married, expecting him to support her. She didn't take care of her appearance, didn't do much house cleaning, and didn't even try to cook decent meals. He knew he had made a mistake, but was afraid she couldn't take care of herself, so he was afraid to leave her. He said she nagged him constantly, and accused him of being sexually inadequate, especially compared to her previous boyfriends, and that he was getting too old.

I felt sorry for Nick, so I invited him over a couple of times to parties. We had a good time and he got along well with my other friends. He came over for a Christmas party in Yr-2 and we both got too drunk and we slept together. I realize that it was a mistake. Nick's a great friend but he's 20 years older than me and I'm not really interested in a romantic relationship with him. But he was good company and needed someone to talk to, so we got together a couple of times a month. We are not lovers.

I met his wife Barbara for the first time on July 4, Yr-1. I was having a party, and Nick was there along with lots of other people. I was out in the kitchen when Barbara burst in and went over and tried to pull Nick out of the house. They got into a fight. I heard her yelling about something. I came into the living room just as Nick slapped her. He didn't hit her hard, just hard enough to quiet her down, like a slap. She left, saying, "I'll get you for this, you son-of-a-bitch." Nick says she's done this kind of thing before. Nick did not want to go home, so I let him stay in the guest room.

On July 6, Yr-1, I got a call from my brother, Bruce. He said he needed money and wanted his half of my mother's estate. I told him that she had died years ago and what little money she had left was all gone. He asked about the house, and I said I was living in it. He said half of it was rightly his, and if I didn't send him \$10,000, he'd get a court order to sell the house so he could get his half of the money. Obviously, I was very upset. I worried about it and finally decided I had to talk to Nick. He knows a lot about finances and courts. I called at 7:15pm. He said he couldn't talk on the phone because Barbara was

in one of her jealous moods. He said I should come over and he would meet me in the parking lot at 7:30 p.m.

I got to the parking lot of the Meadow Park Apartments and Nick was waiting for me. I got out of the car and told him about the phone call. He got real angry, and I told him to calm down and let me finish the story. I think Nick was even angrier than I was. He had gotten very protective of me..

About that time Barbara came up to Nick and accused him of being a liar and then turned her back and walked away. I tried to calm Nick down. He yelled something at Barbara about she couldn't tell him what to do. I could tell he was still pretty agitated. I figured I ought to leave, so I started to walk back to my car, but Nick stopped me.

Then I saw Barbara go over to Nick and say something. Nick pushed her away and she fell backwards. I could not tell whether Nick actually hit her or she just fell down. Then they got into a real fight. Barbara was hitting at Nick and he hit her with his fists. Then she hit Nick with a frying pan a couple of times on the head. I ran over and screamed at them to stop fighting. Then I ran over to some people standing at the edge of the parking lot and screamed for someone to break up the fight and call the police.

When I looked up again, Barbara was going inside the apartment. I heard Nick say something about teaching her a lesson and he started toward the apartment. I figured I needed to get him out of there. I got in the passenger side of my car and said, "Come on Nick, let's go." He turned and walked back to the car, so I figured things were over. I flipped down the visor mirror to check my make-up. A minute had passed. Then I heard a lot of gunshots. I ducked down and then I thought that Barbara must have shot him. I jumped out and saw Nick lying next to the car, bleeding.

Soon after that, the police came. I went with Nick to the hospital. They rushed him into surgery. He was in the hospital for two weeks. He had a cast on his right arm and tubes sticking out of his side. He told me he had been shot in the wrist and in the back. He complained a lot about headaches and that his wrist hurt when I saw him in the hospital.

I have given this statement voluntarily and it is true and accurate to the best of my recollection.

Tina D. Moran
Tina D. Moran

STATEMENT BY JAMES W. LANE

Date: September 30, Yr-1
Made to: Bonnie Martin, Deputy Public Defender
Place: Public Defender's Office

I am giving this statement of my own free will in response to a request from Bonnie Martin, an attorney representing my neighbor, Barbara Townsley. Barbara has been charged with assault for shooting her husband, Nicholas. I was a witness to that shooting.

I am 39 years old, born June 6, Yr-40. I am an X-ray technician at Monroe County Hospital. I got that job over ten years ago after I got out of the Navy. I was a medic in the Navy, stationed first in San Diego and then at the base hospital in Naples, Italy. I live in apartment 3-C, Meadow Park Apartments, 800 N. Smith Road, with my wife, Nancy Newton. She teaches third grade. We have no children. We live at Meadow Park because I am often at the hospital at odd hours, and Meadow Park has security guards patrolling in the evening in case Nancy has to be home alone.

I am acquainted with the Townsleys. They live next to me in apartment 4C. The walls are not very thick, and we can hear them sometimes. I feel sorry for Barbara. They have frequent fights, and it always sounds like Nick starts them. He is a violent person and he hits Barbara frequently. I cannot understand why she stays with him. I would estimate that they have one shouting match a week, and at least one physical fight per month. This has been going on for the full five years they have lived next to us. I have often seen Barbara with bruises or a black eye.

Nick is a violent person. He has threatened or menaced me a couple of times. The first couple of times when I heard them fighting and heard the sound of things breaking, I ran next door to see if everyone was okay. Nick would appear at the door and tell me to get the hell away and leave them alone or he'd "beat my ass." This happened two or three times in the first few months they lived next door. On at least one occasion I could see past Nick into the apartment, and saw Barbara on the floor crying with blood in her face. I was scared of Nick, so I stopped trying to intervene.

The next few times that the fighting sounded really bad, I called the police. I don't remember the exact dates, but it was several years ago. The police would come but not do anything. Then little things would start happening to me. My car tires were flat one morning, and the headlights were broken one day after I had called the police. After one incident, Nick came over and told me to keep my nose out of their business or he'd break it. I asked Barbara one day if she wanted me to do anything, and she said she wanted me to keep out of it, that they could work out their problems themselves. She asked me not to call the police again, so I did not.

On July 6, YR-1, I left the apartment about 7:30 p.m. to run an errand. I backed my car out of its parking place. As I was looking over my shoulder, I saw Nick, Barbara and a woman I don't know arguing in the parking lot. He was upset and appeared slightly intoxicated. Nick said something like he wasn't going to tell Barbara anything. The young woman, whom I understand to be Tina Moran, went over to Nick and I heard her tell him to

be quiet and calm down. He pushed her away, almost knocking her down. I had walked over and was standing on the curb nearby. Nick did not look normal. His face was red and his muscles were tense and his movements were very fast and jerky. He was agitated. I did not get close enough to see his eyes so I cannot be sure, but he looked like he might be having a drug reaction, probably to cocaine. I saw a lot of that in the Navy.

Then Nick hit Barbara and knocked her down. He jumped on her and started pummeling her with his fists. I looked away for a moment to see if anyone else was going to call the police. I saw the couple from 5-B going inside the apartment building and figured they were going to call. I looked back, and Barbara and Nick were struggling together. Barbara had a frying pan in her hand, but Nick got it away from her and raised it over his head as if to hit her. He threw it at her but missed. Barbara ran inside the apartment and came out with a gun. I decided to get out of the way in case they started shooting. The only safe place I saw was my car, so I got in and ducked down behind the seat. I peeked out between the headrests through the back window and saw Nick hit Barbara with the frying pan, then turn and walk away. Barbara was on the ground. Nick was headed in my direction, so I figured I'd better get out of there.

I turned away and reached for the ignition. I heard Nick shout he was going to teach her a lesson. I looked up briefly and he was facing her. I went to start my car and heard the sounds of gunshots. I did not see exactly what happened because I was looking away and could only see out of the corner of my eye. I ducked down at the sound of gunshots. After a few seconds, I looked out and saw Barbara standing near the curb with the gun in her hand. I couldn't see Nick so I got out. I saw him lying next to his car, bleeding heavily from the abdomen. I went over to him. He was unconscious but alive. He did not have a weapon in his hands, and I don't know what happened to the frying pan.

A few minutes later the police arrived, and then an ambulance. They put Nick in the ambulance and took him to the hospital.

I have read the foregoing and it is true and accurate to the best of my ability.

James W. Lane

STATEMENT OF HOLLY G. BERGMAN
800 N. Smith Rd, apt. 7b
Bloomington IN

DATE: October 3, YR-1

I am Holly Bergman. I am 34 years old and live in Apartment 7B in the Meadow Park Apartments in Bloomington. I am divorced with no children. I work the second shift from 4:00 to 12:00 at Carlisle Corporation. They manufacture automotive and aircraft brake system parts. I am a quality control specialist.

I know Barbara Townsley who lives in the building next to mine. We have been friends and neighbors for five years. Barbara is in an abusive relationship, and I have tried to provide some friendship and support to her over the past couple of years. I was a victim of domestic violence myself, so I know how hard it is to be in Barbara's position. It took me several years and several trips to the hospital before I worked up the strength to finally leave my husband, and I was trying to encourage Barbara to do the same. She simply was not ready to leave yet. Right up till the day of the shooting, she denied that things were too bad and she still thought she could help Nick. I have never really met her husband Nick except to see him from a distance.

Barbara told me several times she was afraid of Nick. She said he was basically a good person but got out of control when he was angry. She was afraid that one day she would make him so mad that he would kill her. It got so I could tell when she and Nick had been in a bad fight. After Nick went to work in the morning, Barbara always walked around the apartment complex. There's a sort-of circular path that runs around the outside. I can see most of it from my apartment, which is on the upper floor. She pretty much walked rain or shine, and always around 9:00, so if I didn't see her, I knew she had fought with Nick the night before and was afraid to leave her apartment. If I didn't see her, I would take some coffee cake or donuts and knock on her door to see if she wanted to talk. I wouldn't ask directly, but would say that I had some donuts and would she like to join me. Some days she would not answer the door, but on other days she would let me in and we would talk.

For the two years up to the shooting, we probably had one of these post-fight talks once every six weeks or so. As she got to trust me, she began to admit that Nick had hit her the night before, but she always made excuses for him, saying it was her fault. I saw visible signs of physical violence only once or twice, and each time she attributed it to her falling or an accident. I suspect that the times when she would not answer the door were the days when the bruises were visible. What she described on each of these occasions followed a similar pattern. She had done something to upset Nick which always seemed trivial to me, like forgetting that he wanted a particular dinner and cooking something else, getting the wrong brand of cereal, or a shirt coming out of the wash with a stain on it. She characterized most of these events as her "forgetting" something she was supposed to do, such as forgetting to call a repairman, forgetting to get 60-watt light bulbs, forgetting that he wanted pork chops for dinner. I am sure that these accusations by Nick were false. She had not forgotten -- he had never told her.

The other thing that would get Nick mad was talking about money. Barbara never had any and Nick would get angry when she asked for some, claiming he had just given her \$100 (when he had not) and wanting to know what she was spending it on and then getting mad when she tried to tell him he had not given her any money or said she had not bought anything. Part of the problem was that Barbara's mother or father, I don't remember

which, had left Barbara some money in her will, but Nick had taken it and put it into an account in his name to manage it for her. Barbara said he would get very angry when she reminded him that it was her money and she only wanted some of her own money.

Once Nick got angry, Barbara said he would just get madder and madder, insulting her and accusing her of not loving him, having an affair, being lazy, being a lousy cook and housekeeper, and so forth. He would say he couldn't remember why he had married her. He would push and needle her until she started crying and then he would hit her to shut her up. I felt very sad for Barbara, who felt it was her own fault because she knew Nick couldn't stand her crying.

I was not home when Barbara shot Nick and I do not know the details. I have not seen her since and have not talked to her. I am sorry I was not able to convince her to leave Nick before she was forced to shoot him.

The foregoing is true and accurate to the best of my knowledge.

Holly G. Bergman

STATEMENT OF JUSTIN TOWNSLEY

I am the son of Nicholas and Theresa Townsley. I am 27 years old and live in Evansville, Indiana. I have a twin sister Danielle who lives in North Adams, Massachusetts. My mother has remarried and is now Theresa Johnson and lives in Las Vegas. We were all living in Bloomington in YR-10 when my parents' marriage broke up. I was 17 at the time. I went to Indiana State on a track scholarship but dropped out after a semester. I took some classes at Ivy Tech, and then got married and moved to Evansville where my wife is from. I work at Home Depot in flooring.

After my parents divorced, I did not have much contact with my father so I know little about his marriage to Barbara. I saw them together at some family holidays and she seemed nice enough, if a little quiet. I never saw anything that suggested she might be violent or shoot anyone. I probably saw them once a year. I never saw any evidence that my father beat her. I saw no bruises or bandages and she never said anything to me about being injured or hurt or going to the hospital. Neither of them ever said anything to me to suggest there was any violence in their marriage and it appeared normal to me.

It would not surprise me that my father might beat her. He certainly hit us kids when he got mad enough. It never bothered me a lot. When I was small, he'd spank me and my sister for discipline, maybe once a month on average, but he never used a belt or anything like that. The spankings stopped when I was about 12. Overall, he was an above-average father. He got mad at us sometimes and I thought he drank too much, but he was better than many of my friends' parents. He took us camping and hiking, taught us to drive, took us to the park when we were small, always asked about what was going on in school and came to my sports events.

I really don't know much about my parents' relationship or the extent to which there may have been domestic violence. I saw them get mad at each other, yell at each other, occasionally throw things at each other, and I saw one or two physical fights. Things got worse the last couple of years they were together, YR-11 and YR-10, when my mother seemed to get very depressed and withdrawn. I think this was frustrating to my father, and he started drinking more heavily and spending less time at home. The tension in the house was pretty thick most of the time, and I was glad to leave home after high school. They got divorced shortly after I left. In my opinion, there was plenty of blame on both sides. The fights were caused equally by both of them and they were both at fault.

My father and I saw each other three or four times a year. Neither of us likes to talk on the phone much, so we would meet for lunch or go to a Colts game. He never talked much about his personal life. Sometime around the fall of YR-2 or the spring of YR-1 he mentioned that he and Barbara were not doing well and that they were probably going to get divorced but he did not say what the reasons were.

I have talked to my father a couple of times since Barbara shot him. He swears he never hit her. He says they had a lot of fights, but they were mostly just words and some shoving. He says Barbara threw things at him, like plates, and he would sometimes throw them back. He says Barbara turned into a lazy slob who sat around the apartment in her bathrobe drinking wine all day and thinking up excuses to pick fights with him. He said Barbara was starting to remind him of my mother, Theresa. He said he had finally told her he wanted a divorce, and that's why she shot him.

Dad says that he did not start the fight on July 6th. He says he had finally had enough and was leaving and Barbara went crazy, attacking him with a frying pan, threatening to kill

him, and accusing him of having affairs. All he did was wrestle the frying pan away from her, knock her down, and then try to leave. He says she shot him when he was getting into a car to leave and his back was turned. I am surprised at the whole thing because I did not think Barbara had it in her to do something like this. She always seemed on the quiet and timid side the few times I met her.

I have not talked to Barbara since the shooting and don't know her side of the story.

Jan. 26, YR-0.

Justin Townsley

Justin Townsley
4414 West Azalea, Apt 195
Evansville IN

STATEMENT OF DANIELLE TOWNSLEY

December 4, YR-1

I am the daughter of Nicholas and Theresa Townsley. I am 27 years old and have a twin brother, Justin. We had a rough family life when I was in high school. My parents were always fighting, my father drank too much, and my mother was depressed most of the time. They separated in YR-9, my senior year of high school and got divorced a couple of years later. I wanted to get as far away from home as possible, and so I went to Massachusetts College of Liberal Arts in North Adams, Mass. My guidance counselor at Bloomington South recommended it because she went there, and she got me a scholarship. I got an elementary education teaching degree there and now teach fifth grade at Greylock Elementary School in North Adams. I am not married.

I was mad at both my parents and had nothing to do with either of them for a couple of years. Since then, I have re-established contact with my mother, who has remarried (her last name is now Johnson) and moved to Las Vegas. Her husband is retired from the military. My mother works part time at a retirement home at the front desk. We now talk often, and she has explained a lot to me about her marriage to my father and about her own psychological problems. She is bipolar and had difficulty being a good wife and mother.

I have had nothing to do with my father since I left home. I think I have tried to re-establish contact with him twice, but he has no interest and will make no effort, so I have given up. When we were growing up, my father was a mixed bag. Much of the time he seemed pretty normal, although he never had much to do with us kids. He worked, came home, expected dinner on the table, and then drank beer and watched TV. He never showed any interest in our schoolwork and I do not remember him coming to my school events. I was in a lot of school plays when I was young and he went to a couple of those, but I was in marching band in high school and he never came to one of our performances. He did not go to college and he belittled me when I said I wanted to go to college to become a teacher, so I learned not to try to talk to him about myself.

He was capable of being cruel and violent if he had been drinking. We were scared of him, especially when he came home late which meant he had gone drinking after work. On those days it would not take much to get him angry -- he wouldn't like the dinner, or we didn't clear the table fast enough, or he would say we were talking back to him. Mostly he would yell and slam his fist on the table and then leave the house. He only got violent toward one of us once in awhile, usually toward either me or my mother. Justin had a way of disappearing when things got bad.

My father probably spanked me twenty times during my childhood, either with his hand or a ping-pong paddle. I never really knew why. He would get mad at something small, like he couldn't find the TV remote, and start yelling at us and stomping around. He would then say this was the last straw and invent a laundry list of sins one of us had committed and then impose a punishment. He might ground me or say I could not watch TV for a week. Sometimes he would just grab me and spank me on my rear, either with his hand or a ping-pong paddle.

My bedroom was over my parents' bedroom, so I heard them arguing and fighting a lot over the years, but it was mostly verbal. I now know that my mother was bipolar and suffered severe depression and can understand her part of it, but I cannot forgive my father. His stubbornness, ignorance, and refusal to accept her mental condition triggered most of the fighting between them and caused all of us to suffer. He was, and still is, an asshole. If Barbara says he beat her, I believe her.

Danielle Townsley

Danielle C. Townsley
2566 Mt. Greylock Rd
North Adams MA

STATEMENT OF THERESA JOHNSON
8144 W Hacienda Unit 1165
Las Vegas NV

I am Theresa Flynn Johnson. I was married to Nick Townsley from YR-30 to YR-7. We separated in the summer of YR-9 but did not get legally divorced for over two years because Nick went through three different lawyers and kept refusing to cooperate. I have since remarried. my husband is Allan Johnson, a retired Army NCO, and we now live in Las Vegas. I work part time at the front desk at Acacia Springs, a small retirement community on Nevso Drive. I am 52 years old.

Nick and I had a difficult marriage. I had recurring mental health issues and was diagnosed as bipolar in YR-12, which may explain part of it. Nick did not accept this fact and felt that my mental health problems were my own fault. He interfered with my attempts to see a therapist and when I was put on lithium, he would get mad and flush them down the toilet and yell at me to just pull myself together. Nick was (and still is) a real jerk. He was stubborn, drank too much, and always had to have his own way.

We fought a lot, but most fights were just Nick yelling and me curling up into a ball and trying to shut him out. Nick would get mad, red in the face, ball up his fists and hit the walls or break things, but he was not usually physically violent toward me. He never beat me, although he would sometimes grab me and shake me or slap me during a fight. During the last year we stayed together, he was not home much. He would go out in the evenings and get drunk and come home and sleep in the basement.

Our marriage was hard on our children, Justin and Danielle. They both left home the summer of YR-9 and my relationship with them since then has been strained. I see Justin maybe twice a year. I have not seen Danielle in person more than three times since she moved away, but we have been talking and exchanging emails regularly over the past couple of years. I want her to understand the role my disorder played so she will stop blaming me for not working harder at the marriage and family.

I know nothing of the details of why he was shot, nor do I know what kind of person he has become in the past eight years. When he was married to me, he always viewed things as other people's faults and never as his own fault. I understand from Justin that he is claiming the shooting was all his wife's fault and that he was an innocent victim, so it sounds like he has not changed. I feel sorry for him and for his wife.

June 4, YR-0

Theresa F. Johnson



Monroe County Hospital

**Emergency Care Department
684-3597**

October 15, Yr-1

Mr. George Bell
Prosecuting Attorney
120 West 7th Street
Bloomington IN

Dear Mr. Bell:

At your request, I am sending you in writing my recollection of my treatment of Nicholas Townsley for gunshot wounds.

Mr. Townsley was admitted via the Emergency Room on July 6, Yr-1.

I performed an exploratory laparotomy and cleaned and set a wound to his right wrist. Townsley had been hit by two bullets, one hit the right wrist breaking some bones, and the other entered his lower back on the right side and exited from the front. It is impossible to tell which bullet hit first. Neither did any permanent damage. Mr. Townsley had a blood alcohol level of .05 percent, the equivalent of about 3 glasses of wine or 3 twelve-ounce beers. At that level he would have been uninhibited but not yet seriously drunk. We did not test for other drugs in his blood because of the emergency nature of the case. In my opinion, Mr. Townsley would have been in extreme pain for two or three days, moderate pain for two weeks, and only occasional mild pain in the wrist from one to four months after that.

I saw Mr. Townsley only three times briefly after the operation; twice in the hospital to verify that he was making satisfactory progress, and once to remove the cast in mid-August. We did not discuss the shooting incident.

I have instructed Medical Records to send a copy of Mr. Townsley's Admission and Discharge Reports.

Sincerely,

J.S. FOX

Jordan S. Fox, M.D.



Monroe County Hospital

Medical Records Department
684-3583

October 16, Yr-1

Mr. George Bell
Assistant District Attorney
120 West 7th Street
Bloomington IN

Re: Nicholas B. Townsley

Dear Mr. Bell:

At the request of Dr. Jordan Fox, I enclose the two summary reports on Nicholas B. Townsley.

The two reports are computer print-outs. All our medical records are stored on computer. Physicians and authorized nurses dictate their reports, and clerks enter them into the computer. While each physician is free to follow whatever form he or she thinks appropriate, hospital policy requires them to file an admission report and a discharge report on every patient in their care.

Sincerely,

Eliz. Knoll

Elizabeth Knoll
Director, Medical Records

NAME: Townsley, Nicholas Baker Patient #: B56128-1101

DATE ADMITTED: 7/6/YR-1

PHYSICIAN: Jordan S. Fox

ADMISSION REPORT

This approximately 50-year-old male was admitted to the ER following a shooting. Examination in the ER revealed a missile wound with point of entry and point of exit at about the level of the ninth rib and the lateral lower chest wall. There was also a missile wound involving the right wrist. X-rays revealed some lead fragments along the course of the missile tract overlying the liver. There was no evidence of entry into the pleural space on the x-rays. X-rays of the wrist revealed a fracture in the site of the styloid process of the radius.

PAST HISTORY AND REVIEW OF SYSTEMS: Taken under emergency conditions. The patient was unconscious on admission.

PHYSICAL EXAMINATION: HEENT: Laceration on the head.

NECK: Was supple.

CHEST AND ABDOMEN: There are two wounds involving the lateral aspect of the right lower chest at the level of the 9th rib; one is in the posterior axillary line and one is in the anterior axillary line, slightly more medial than the anterior axillary line. The anterior one is the larger one, and is assumed for that reason to be the point of exit. There is a recent abrasion in the midline between the xyphoid and the umbilicus.

ALCOHOL BLOOD CONTENT: 0.05 percent.

GENITALIA AND RECTAL: Unremarkable.

LOW EXTREMITIES: Unremarkable.

ADMITTING DIAGNOSIS: Gunshot wound, right lower chest wall with laceration of the liver. Gunshot wound involving the right wrist. Lacerations on the scalp.

Jordan S. Fox, M.D.

Dictated: 7/7/YR-1

ENTERED: 7/7/YR-1 ktb

THIS COPY PRINTED: 10/16/YR-1

NAME: Townsley, Nicholas Baker Patient #: B56128-1101

ADMITTED: 7-6-YR-1

DISCHARGED: 7-1-YR-1

PHYSICIAN: Jordan S. Fox

DISCHARGE REPORT

PRESENT ILLNESS: This 52-year-old male was admitted via the ER following a gunshot wound. X-rays revealed fractures of the 7th and 8th ribs anteriorly with metallic and bone fragments within the hepatic substance adjacent to the rib fracture sites. X-rays of the right wrist revealed a fracture which involved the articulate surfaces of the radius at the wrist joint. Lacerations on the head.

PHYSICAL EXAMINATION: Revealed a well developed, well nourished male appearing the stated age. Positive physical findings revealed a missile injury with the apparent entrance site in the posterior axillary line at the level of the 9th rib with an apparent exit site in the anterior axillary line at the level of the 9th rib. Lungs were clear and well expanded. The abdomen revealed some guarding in the right upper quadrant, otherwise was unremarkable. Extremities were within normal limits, with the exception of the right wrist where there was a missile injury involving the area of the styloid process of the radius. At admission, there was a heavy odor of alcohol on his breath and the patient was unconscious.

ACCESSORY CLINICAL FINDINGS: On admission the hematocrit was 41, urinalysis revealed 2+ sugar; on July 7, serum electrolytes were within normal limits on several occasions. Hematocrit on July 9 was 39 and on July 11 was 35. Drainage from the lower chest wall wound on July 9th revealed no bacterial growth in 48 hours. On July 12, white blood cell count was within normal limits, as was the urinalysis and the hematocrit was 36.5%. Chest x-rays on several occasions were negative.

COURSE IN HOSPITAL: The patient was taken immediately to the operating room from the ER where an exploratory laparotomy was done through upper paramedian incision. There was a laceration involving the lateral surface of the right lobe of the liver at the level of 8th or 9th rib. No active bleeding was noted from it. As it was inaccessible for suturing it was elected to drain the area with two Penrose drains at a lateral stab wound. This was done and the entry and exit site of the chest wall were debrided and drained. The postoperative course was uneventful. The patient was initially treated with Achromycin and Bupronex for three days, and later changed to Keflex. All wounds healed and were clean at the time of discharge. The patient was afebrile for three days prior to discharge. At the time of the exploratory laparotomy the right wrist was debrided and the wound drained and placed in an appropriate cast. This was dressed at periodic intervals and will be followed by removal of the cast, four weeks from the time of the original injury. The lacerations on the scalp were stitched closed.

continued next page

DISCHARGE REPORT PAGE 2

FINAL DIAGNOSIS: Gunshot wound of the lower chest wall and upper abdomen with laceration of the liver. Gunshot wound of the right wrist with comminuted fracture of the articulate surface of the radius. Lacerations on the head.

OPERATIONS: Exploratory laparotomy with drainage of liver and debridement of wound and repair of left wrist gunshot wound.

DISCHARGE MEDICATION: Keftab 250 mg. every 6 hours for 7 days.

Jordan S. Fox, M.D.

DICTATED: 7/1/YR-1
THIS COPY PRINTED: 10/16/YR-1

ENTERED: 7/1/YR-1 ktb


Monroe County Hospital

STATEMENT

PATIENT'S NAME AND ADDRESS
 NICHOLAS B TOWNSLEY
 800 N. SMITH RD 4C
 BLOOMINGTON IN

ACCOUNT NUMBER
 32 1966423 GS

INSURANCE INFORMATION
 BC/BS 133989911

DATE ADMITTED
 07/06/YR-2

DATE DISCHARGED
 07/20/YR-2

POSTING DATE	PHYSICIAN	DESCRIPTION	TOTAL CHARGES
07 06		EMERGENCY ROOM	590.00
07 06	FOX	PROF SERVICES	4000.00
07 06		OPERATING ROOM	3200.00
07 06	LESTER	X-RAY SERVICES	920.00
		PROF SERVICES	350.00
07 06	LAB	CLINICAL LAB SERVICES	460.00
07 07	FOX	HOSP VISIT	45.00
07 08	FOX	HOSP VISIT	45.00
07 08		PHARMACY	220.00
07 10	FOX	HOSP VISIT	45.00
07 14	FOX	HOSP VISIT	45.00
07 20		14 DAYS SEMIPRIVATE ROOM	4900.00
08 11	FOX	OFFICE VISIT	100.00
08 29		BC/BS INS PAYMENT	11,936.00 CREDIT
		BALANCE DUE	2984.00

BLOOMINGTON WOMEN'S COUNSELING CENTER
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Bloomington, Indiana

Dr. Mary M. O'Donnell
Director
Dr. Alexander C. Cochran
Dr. Elvia Bishop
Staff Psychologists
Melissa Curtis, ACSW
Counselor

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REPORT ON BARBARA W. TOWNSLEY
October 11, YR-1

My name is Dr. Alexander C. Cochran. I am a clinical psychologist. I have my own private practice in Bloomington. Much of my practice is taken up with counseling women in abusive and codependent relationships. I am an adjunct professor of psychology at Indiana University and teach a course on the Psychology of Domestic Relationships. I am the staff psychologist at Middleway House, a shelter for abused women. My resume is attached to this statement. At the request of attorney Bonnie Martin, I have talked extensively with Barbara Townsley. We had six sessions together over a three week period in August YR-1, shortly after she had been charged with the attempted murder of her husband. In addition, I have reviewed the police and court records and talked to friends and family members. It is my conclusion, based on all available information, that Ms. Townsley was suffering from Battered Woman Syndrome at the time she shot her husband.

Battered Woman Syndrome is a condition induced in some women by a pattern of physical abuse within an intimate interpersonal relationship with someone the victim trusts. It is characterized by a state of mental distortion in which the woman believes she is helpless, isolated, and dependent on the abuser. In extreme cases, the victim believes her options are reduced to killing or being killed. Battered Woman Syndrome is a concept that was developed primarily by Dr. Lenore Walker in the 1970s, and described in her book *Battered Women*. At the time, it was ridiculed by many of the men who dominated the psychology profession, and some still refuse to admit that it exists. The syndrome explains the characteristics that many physically abused women display and the psychological effects that regular beatings have on them. Not all women who are subject to physical abuse suffer from Battered Woman Syndrome, however. Some are able to break the cycle of abuse (often with the help of counseling) and leave the abusive environment before the onset of the syndrome.

One common pattern of battering is a cycle that follows three distinct stages that vary in duration and intensity. The first stage is "tension-building," in which minor batterings, verbal abuse, and threats occur. During this stage, the victim denies the reality of the situation and becomes passive and submissive in an attempt to avoid any escalation in the level of violence. The second stage is "violence," in which a serious battering incident occurs, often involving dangerous weapons, and during which the victim is often seriously injured. The third stage is "contrition and forgiveness." In this phase, the abuser becomes loving and contrite, and promises to reform or get help. He may become almost childlike in his attempts to win forgiveness. He vows never to hit the victim again. The victim forgives him, and a period of intense, peaceful intimacy follows. The experience of the victim in this loving stage may be so intense that she will subconsciously initiate the next violent episode in order to experience the emotional "high" of the contrition-forgiveness stage.

Although some escape, many women are unable to extricate themselves from this cycle of violence. The victim may be isolated from the outside world by her abuser, who has all property, cars and financial matters in his name and under his control. She often has no marketable skills, abilities or job experience that would enable her to support herself, nowhere to go, no money of her own, and little self-esteem. She has learned that the police and courts will not help her. Previous complaints to the police have gone unanswered, prosecutors may have declined to prosecute, and she may have faced hostile questioning about prior incidents in which she "dropped charges." Some battered women deny they are being battered and try to distance themselves from the stereotype of the battered woman. At the beginning of the relationship, the victim may have attempted to resist the battering or leave the abuser, but was unable to do so because the police and family members told her to return home and work things out, and the abuser retaliated with violence and threats to kill her if she tried to leave again. The victim comes to believe that if she does not submit, she will be killed.

From the victim's perspective, the most disturbing aspect of Battered Woman Syndrome may be "learned helplessness." The victim is beaten even when she has done nothing bad. The abuser finds fault with completely inconsequential actions by the woman. She cannot avoid the battering by being submissive and doing what the abuser demands. Thus, she learns there is nothing she can do to reduce the chances of being beaten, nor can she predict when she will be beaten. She learns she is helpless to control outcomes.

In some cases, the level of violence begins to increase. The victim comes to believe that she will be killed by the abuser. She perceives that if she tries to escape, she will be caught and killed. If she stays, she will be killed. Her only option is to kill her attacker, but she is likely to perceive him as being nearly omnipotent. Therefore, few women ever find the courage to strike back. Those few victims who eventually do strike back at their abusers usually do so when he is sleeping, unarmed, and/or has his back turned. Even in that condition, the abuser is seen by his victim as immensely powerful and an imminent threat to her safety.

In Barbara Townsley's case, she fits closely the profile of the battered woman who has been subject to the three-stage cycle of abuse with escalating violence. Her husband beat and abused her over the years. He put the house, the cars, and the checking account in his name only. He insisted she give up her name and take his when they were married. He also insisted that she give up her job. He manipulated her with threats. She reported his attacks a couple of times, but the police and courts did nothing, and her husband punished her for her "betrayal" by physical violence, so she learned it was safer to put up with the violence than try to stop it. In recent months, the violence was increasing.

On July 6, Barbara shot her husband after a particularly violent attack. Although she is somewhat unclear about the details, she apparently shot him twice. The first time, he appeared to be unhurt, which only reinforced her impression about how powerful he was. The second time she shot him in the back as he was walking away. Although this is not self-defense in the usual sense, I believe that she felt her husband was still an imminent danger to her when she fired at him.

Alexander C. Cochran

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AREAS OF PRACTICE

Women's Issues. Individual, Marital and Family Therapy. Eating Disorders. Weight Control. Stress/Anxiety Therapy. Sexual Abuse Counseling.

EDUCATIONAL BACKGROUND

Ph.D. in Clinical Psychology, YR-20; Indiana University.
B.A. in Psychology, YR-26; Univ. of California - Santa Cruz

HONORS AND DISTINCTIONS

Appointed Senior Research Fellow, Family Health Institute, YR-4.
Special Service Award, United Way of Indiana, YR-2.
Rebecca S. Bradway Fellowship, Indiana University, YR-22 to YR-20.

PROFESSIONAL AFFILIATIONS

Adjunct Professor of Psychology, Indiana University since YR-4.
Staff Psychologist, Middleway House (Shelter for Abused Women).
Advisory Committee on Battered Women, American Psychological Assoc.
Consultant, Monroe County Juvenile Court

PUBLICATIONS

"Representing Women Who Defend Themselves Against Violence," Women's Rights Law Reporter 4:17 (YR-2) (co-authored with attorney Valerie Heinz-Johnson).

"Clinical Diagnosis of Battered Woman Syndrome: Two Cases," Midwest Counseling Journal 23:322 (YR-5).

"Battered Woman Syndrome and Premenstrual Syndrome: A Comparison and Critique," Family Health Quarterly 44:32 (YR-6).

"Clinical Studies Validating Battered Woman Syndrome: A Response to Arnold & Gerstmann," APA Proceedings 36:5 (YR-7).

OTHER

American Civil Liberties Union Mental Health Committee
Consultant, Indiana State Public Defender's Office