

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

CAROLINE FRENCHMAN,	)	NDE Case No. 12 - 15
	)	
Petitioner,	)	
	)	
vs.	)	HEARING OFFICER'S
	)	PROPOSED FINDINGS OF FACT,
	)	RECOMMENDED CONCLUSIONS
ROGER D. BREED, Ed.D.	)	OF LAW AND RECOMMENDED
COMMISSIONER OF EDUCATION,	)	DECISION
	)	
Respondent.	)	

INTRODUCTION

Petitioner, Caroline Frenchman, submitted a request for approval to participate in pre-student teaching field, laboratory and classroom experience or student teach with the Commissioner of Education. The Commissioner denied Petitioner's request by letter dated November 5, 2012. The application was denied for the following reasons:

1. On October 26, 1995, Petitioner was found guilty by the Iowa District Court of Woodbury County, Iowa, of DUI-Third Offense, a felony, and sentenced to five years incarceration and residential treatment program;
2. Petitioner reported a 1989 Driving Under the Influence conviction from Woodbury County, Iowa;
3. On July 20, 1992, in the Dakota County District Court of Nebraska, Petitioner was found guilty of Driving Under the Influence pursuant to a plea agreement for which she was sentenced to six months probation, and Criminal Attempt of Possession of Alparazolam, a Class I misdemeanor, and sentenced to 18 months probation;
4. Petitioner's conviction for Criminal Attempt of Possession of Alparazolam was originally charged as Possession with Intent to Deliver Marijuana, a Class III felony; and
5. The seriousness and extent of her previous criminal history warrant a hearing.

On November 26, 2012, Petitioner filed a Petition pursuant to the provisions of Title 92, Chapters 20 and 61, of the Neb. Adm. Code (NAC), requesting approval to participate in pre-student teaching field, laboratory and classroom experience or student teach in schools in Nebraska. An Answer was filed by the Respondent on December 11, 2012.

A hearing was held on February 20, 2013, before Jim R. Titus, Hearing Officer, appointed by the State Board of Education pursuant to Title 92, NAC Chapter 61. Notice of the hearing was provided to the parties. The hearing commenced at about 1:30 p.m. in Conference Room C, Nebraska Department of Education, 6<sup>th</sup> Floor, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The Petitioner appeared and presented sworn testimony on her behalf, and in addition called three witnesses. The Respondent, Commissioner of Education, was represented by Brian L. Halstead, General Counsel, Nebraska Department of Education. The parties jointly offered the following exhibits which were received without objection.

Exhibit 1, pleadings (case file);

Exhibit 2, Title 92, NAC, Chapter 20;

Exhibit 3, Title 92, NAC, Chapter 61;

Exhibit 4, Certificate of Transcript from the County Court of Dakota County, Nebraska in Case No. CR 92-345; and

Exhibit 5, Court records from the Iowa District Court for Woodbury County in case OWCR024337.

The hearing was recorded by Precision Reporting, Inc. of Lincoln, Nebraska. A transcript of the hearing is attached.

Having considered the sworn testimony of witnesses and the exhibits, the Hearing Officer makes the following Proposed Findings of Fact, Recommended Conclusions of Law and Recommended Decision.

## PROPOSED FINDINGS OF FACT

1. The Respondent's denial of the request for approval was mailed on or about November 5, 2012. Petitioner timely filed her petition for approval with the State Board of Education on November 26, 2012.

2. Petitioner is presently 49 years old and anticipates enrolling at the University of Nebraska - Lincoln, to which she has been recruited by the Indigenous Roots Program.

3. Petitioner graduated from Winnebago High School in May of 1981, then enlisted in the United States Army and served for three years.

4. After service in the Army, Petitioner lived in Chicago, Illinois, doing odd jobs. Petitioner married and had a child, then was divorced in August of 1989. Petitioner returned to Nebraska sometime in 1985.

5. Petitioner was convicted of Driving Under the Influence of Alcohol in August, 1989, in Woodbury County, Iowa. The penalty was unclear from the evidence.

6. In February, 1992, Petitioner was arrested in Dakota County, Nebraska, and in July, 1992, entered a plea agreement pleading guilty to No Valid Registration, for which she was fined \$100.00; Driving Under the Influence of Alcohol, for which she had her license impounded for 6 months, was fined \$200.00 and received 6 months probation; Possession of Drug Paraphernalia, for which she was fined \$100.00; and Criminal Attempt of Possession of Alparazolam, a Class I Misdemeanor, for which she was sentenced to 18 months probation. The court record indicates she received early termination of probation for satisfaction of probation in September, 1993.

7. On March 21, 1994, Petitioner was arrested for operating a vehicle while under the influence of alcohol and on October 26, 1995, was convicted in Woodbury County, Iowa, of Driving While Under the Influence of Alcohol, Third Offense, a felony, and sentenced to five

years incarceration. She served 18 months, being six months in prison and the rest at a treatment program in Council Bluffs, Iowa, including work at a restaurant. She continued working after being released after the 18 months and entered a three-year out-patient treatment program on her own, which she completed in either 1997 or 1998.

8. Petitioner was back in Winnebago in 1998 and started working for the Head Start Program for the next two years.

9. Petitioner was then recruited by the Tribal College as a bilingual curriculum specialist, teaching the Ho Chunk language at all grade levels, until 2003 when a grant ran out.

10. Petitioner then started school full time at the local Tribal College through the Spring semester, then was asked by the Tribal Counsel to start working for the language program in which she is still employed, teaching in kindergarten through 12<sup>th</sup> grade in the Winnebago School District.

11. Petitioner now wants to finish her education and obtain a teaching degree. Petitioner was recruited by the University of Nebraska - Lincoln Indigenous Roots Program and wants to enroll at the University of Nebraska at Lincoln.

12. Petitioner has no other convictions since 1995, other than a speeding ticket and seat belt ticket.

13. Petitioner has engaged in other activities, namely, traditional dance at the annual Pow Wow in Winnebago, serving on the Thurston County Board of Supervisors, to which she was elected for an initial four-year term and recently re-elected to a second four-year term; serving on the Tribal Gaming Development Board; serving on the Tribal Housing Board; serving on the local Veteran's Memorial Committee; and serving on the Little Priest College Board.

14. Petitioner admitted to a drug and alcohol problem during her military service and after her military service through her arrest in March of 1994. She has undergone treatment

programs as part of her sentence and then a voluntary treatment program subsequent to her release.

15. Petitioner presented a letter from Dan Fehringer, Superintendent of Winnebago Public Schools, who wrote that he has known Petitioner for 13 years as a colleague and friend, during which time Petitioner worked as a Ho Chunk language teacher in the school and other educational entities in Winnebago, educating children in the Ho Chunk language and culture; that she is diligent and dependable in insuring that young children have the opportunity to grow within their culture; that she promotes the language and culture in conferences and training related to Native American children; that during the 13 years he has known the Petitioner he has not heard or seen of any inappropriate behaviors; and as a landlord of housing owned by the School District he was comfortable renting an apartment to the Petitioner, which apartment she keeps in excellent condition.

16. Petitioner presented a letter from Brenda Murphy, a Middle School Science and Social Studies teacher at St. Augustine's Indian Mission and also called her as a witness. Ms. Murphy has worked with Petitioner for 15 years, beginning with Petitioner as an aide to Ms. Murphy in the Head Start Program in Winnebago, where Petitioner was able to exercise firm control over classroom behavior. Ms. Murphy's contact with Petitioner continued for two years in a bilingual grant program as teachers working together with pre-school and early elementary school children as part of a literacy and Ho Chunk outreach project, then when the grant ended, as co-workers with Ho Chunk Renaissance to help preserve the language through a master apprentice teaching model pairing fluent speakers with apprentices with teaching skills, through which Petitioner developed to teach as a fluent speaker. Ms. Murphy commends Petitioner as a responsible individual over such 15-year period and as a community volunteer and having talent with the students.

17. Petitioner also presented a letter from Nancy Engen-Wedin, Project Director of the Indigenous Roots Teacher Education Program of the Department of Teaching, Learning and Teacher Education at the University of Nebraska - Lincoln, and also called Ms. Engen-Wedin as a witness to testify. She testified that the purpose of the program is to recruit Native Americans to teach in Native schools; that as part of the program, they review applicants for UNL admission requirements, then through further review with community groups, review applicants for character, history and other admission requirements. Ms. Engen-Wedin had attempted to recruit Petitioner in 2005 for the program and has recently recruited her again for the program due to Petitioner's leadership and respect in the community, her personality and other activities in the Winnebago education and public community. She testified that she has known Petitioner since 2004.

18. Darla LaPointe, Tribal Education Director in Winnebago, also testified. She oversees the Renaissance Program in which Petitioner works. She has been Tribal Education Director for approximately two years, and prior to that was Dean of Admissions and Records at Little Priest Tribal College for 10 years, and has known Petitioner since she was a young girl when Petitioner would babysit her and her siblings. She testified that Petitioner has the ability to control a classroom in a manner that is not abusive; that she is one of maybe seven or eight fluent speakers of the Ho Chunk language; that she is very dependable; that Petitioner has taught her children the Ho Chunk language; and she has respect for Petitioner's skills and ability.

#### RECOMMENDED CONCLUSIONS OF LAW

1. Title 92 NAC 20 Sec. 005.07B provides that a person with a conviction as defined in Sec. 005.07A shall not be allowed to participate in pre-student teaching field, laboratory and classroom experiences or student teach without approval by the Commissioner or the Board of Education.

2. The definition of a conviction as set forth in Title 92 NAC 20 Sec. 005.07A includes a felony conviction under the laws of any jurisdiction.

3. Pursuant to Title 92 NAC 20 Sec. 005.07B, a person with a conviction as defined above may request approval by the Commissioner or the Board of Education by using the procedures set forth in 92 NAC 21 Sec. 009.02 through Sec. 009.04.

4. If the Board finds that the Applicant has good moral character and possesses the moral fitness for teaching, then the Board may direct the Commissioner to approve the request to participate in pre-student teaching field, laboratory and classroom experiences, or student teach.

5. In determining whether the Applicant has good moral character and the moral fitness for teaching, the following factors shall be considered:

(a) The nature of the crime, the facts and circumstances surrounding the conviction, including whether the conduct of the applicant would constitute a crime in Nebraska, the sentence received, and whether the sentence was commuted, set aside, or pardoned;

(b) The applicant's age at the time of the conduct;

(c) The recency of the conduct;

(d) The applicant's positive social contributions since the conduct; and

(e) The reliability of the information concerning the conduct.

#### RECOMMENDED DECISION

Petitioner is properly before the Board for a determination of her request to participate in pre-student teaching field, laboratory and classroom experiences or student teach.

Petitioner's conviction of a felony in October of 1995, together with the prior history of alcohol and drug-related convictions demonstrate that at such time the Petitioner did lack the moral fitness for teaching.

However, the conduct occurred over 18 years ago, during which time the Petitioner served 18 months of a five year sentence in prison or treatment program, then voluntarily entered an out-patient treatment program and returned to Winnebago to begin working with students in the Head Start Program, then kindergarten through 12<sup>th</sup> grade, teaching the Ho Chunk language and culture with high recommendations from her colleagues and superiors. Upon review of her character and reputation and academic qualifications, the University of Nebraska - Lincoln Indigenous Roots Program has recruited her to enroll at the University to pursue an education degree. Petitioner has not had any further law enforcement contact, except for two traffic violations unrelated to alcohol and drugs, and has been involved in numerous community activities, including on several boards and being elected to the Thurston County Board of Supervisors for two four-year terms, the second of which she has just commenced.

In the areas of her employment and community service, the Petitioner has demonstrated a substantial change in character since her arrest for a felony over 18 years ago and appears in all respects to possess the requisite good moral character and moral fitness for teaching.

It is therefore recommended that this Board reverse the Commissioner's determination to deny this application and grant Petitioner's request to participate in pre-student teaching field, laboratory and classroom experiences or student teach.

Dated this 6<sup>th</sup> day of March, 2013.

  
\_\_\_\_\_  
Jim R. Titus, #16064, Hearing Officer  
MORRIS & TITUS LAW FIRM, PC, LLO  
4645 Normal Blvd., Suite 272  
Lincoln, NE 68506  
(402) 434-5200 – phone  
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[jtitus@morristituslaw.com](mailto:jtitus@morristituslaw.com)

CERTIFICATE OF SERVICE

The undersigned, Jim R. Titus, hereby certifies that the original of the foregoing with attached transcript was hand delivered to Leslie S. Donley, Assistant Attorney General, Nebraska Department of Justice, 2115 State Capitol, Lincoln, Nebraska on March 6, 2013, and a true and correct copy of the foregoing document was served by first-class United States mail, postage prepaid on March 6, 2013 to the following parties:

Brian L. Halstead  
General Counsel  
Nebraska Department of Education  
301 Centennial Mall South, 6<sup>th</sup> Floor  
P.O. Box 94933  
Lincoln, NE 68509-4933

Caroline Frenchman  
105 Walnut St., Box 688  
Winnebago, NE 68071

  
\_\_\_\_\_  
Jim R. Titus, #16064  
Hearing Officer

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

1  
2  
3 CAROLINE FRENCHMAN, ) Case No. 12-15  
4 )  
5 ) Petitioner, ) REQUESTED TRANSCRIPT  
6 )  
7 ) vs. ) VOLUME I - TESTIMONY  
8 ) (Pages 1 - 65, incl.)  
9 )  
10 ) ROGER D. BREED, Ed.D. )  
11 ) COMMISSIONER OF ) VOLUME I - EXHIBITS  
12 ) EDUCATION, ) (Exhibits 1 - 5, incl.)  
13 )  
14 ) Respondent. )

**ORIGINAL**

15  
16  
17 Proceedings had before JIM R. TITUS, HEARING  
18 OFFICER, at Lincoln, Nebraska, on **February 20,**  
19 **2013.**

A P P E A R A N C E S

20 For the Petitioner: Pro se  
21 For the Respondent: **MR. BRIAN L. HALSTEAD**  
22 Assistant Commissioner/  
23 General Counsel  
24 NE Department of Education  
25 301 Centennial Mall South  
Sixth Floor  
P.O. Box 94933  
Lincoln, NE 68509-4933

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## I N D E X

<u>WITNESSES:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
CAROLINE FRENCHMAN	9			
CAROLINE FRENCHMAN	44			
BRENDA MURPHY	45	47		
DARLA LAPOINTE	49			
NANCY ENGEN-WEDIN	55	61		

<u>EXHIBITS:</u>	<u>Marked</u>	<u>Offered</u>	<u>Ruled On</u>	<u>Found</u>
1. Pleadings	4	6,7	8	ATT
2. NE Department of Education Rule 20	4	6,7	8	ATT
3. NE Department of Education Rule 61	4	6,7	8	ATT
4. Dakota County Case Information	4	6,7	8	ATT
5. Woodbury County Case Information	4	6,7	8	ATT

ATT - Attached

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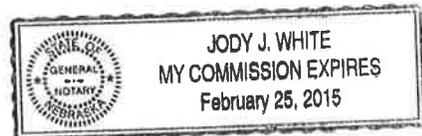
C E R T I F I C A T E

I, Jody J. White, Registered Merit Reporter,  
do hereby certify that the within and following  
transcript contains all the evidence requested to  
be transcribed by me from the proceedings had in  
the foregoing cause; that said transcript is a  
correct and complete transcription of the  
proceedings requested to be transcribed from the  
record made at the time of said proceedings.

Dated this 25th day of February, 2013.

  
\_\_\_\_\_

General Notary Public



1           (At 1:28 p.m. on February 20, 2013, at  
2           301 Centennial Mall South, Sixth Floor, Lincoln,  
3           Nebraska, before JIM R. TITUS, HEARING OFFICER,  
4           with Mr. Brian L. Halstead appearing as counsel for  
5           the Respondent, the following proceedings were  
6           had:)

7                               (Exhibit Nos. 1 through 5 were  
8                               marked for identification.)

9                               HEARING OFFICER: We'll convene the  
10           hearing on the matter of the petition in the  
11           matter captioned Frenchman versus Commissioner,  
12           Case No. 12-15. As I said, I'm Jim Titus. I'm  
13           the Hearing Officer and independent lawyer and not  
14           employed by the Department, except by contract to  
15           be a hearing officer. And just as a preliminary  
16           matter -- and I guess I should have done it  
17           myself -- please turn off or mute any cell phones,  
18           and only answer them outside the hearing room.

19                              Let the record show that Caroline Frenchman  
20           is present, representing herself and that Brian  
21           Halstead is presented, representing the Nebraska  
22           Commissioner of Education. Both parties have  
23           received notice of this hearing and have waived --  
24           or -- or at least have not requested that the  
25           Rules of Evidence apply to this hearing.

1 All witnesses will be sworn into by -- sworn  
2 in by me, and I just ask that you talk loudly so  
3 that our court reporter can -- can hear you  
4 clearly, and just talk clearly so that she can get  
5 it all down for the record. All witnesses are  
6 subject to cross-examination and -- and need to  
7 stay present until excused.

8 And we have the exhibits already marked; so  
9 do either one of you wish to make an opening  
10 statement? An opening statement is just a matter  
11 of saying what you believe the evidence will show.  
12 It's not a closing argument. You'll have an  
13 opportunity for that as well. Sometimes people  
14 waive that, but if you want to make an opening  
15 statement as to what you want -- think that this  
16 is going to show me, you're welcome to do so.

17 MR. HALSTEAD: I'd waive an opening  
18 statement.

19 MS. FRENCHMAN: I'm --

20 MS. ENGEN-WEDIN: I'd waive it too, I  
21 guess.

22 MS. FRENCHMAN: Yeah.

23 HEARING OFFICER: I -- I can't advise  
24 you --

25 MS. FRENCHMAN: Yeah.

1 HEARING OFFICER: -- you know, either  
2 way, but you're -- you're going to have a chance  
3 to give your -- your arguments and your case to  
4 me.

5 Okay. We're going -- you know, the -- the  
6 rules say that the petitioner goes first, and our  
7 practice has often been to have the Department go  
8 first because they're the ones that have denied  
9 your -- your application, and it kind of gives  
10 them -- you know, them an opportunity to tell you  
11 why so that you know what you're defending. I  
12 mean, unless you prefer to go first, I think --

13 MS. FRENCHMAN: No.

14 HEARING OFFICER: -- this usually  
15 gives the petitioner a little better chance to  
16 know "Well, what are -- what are we having to  
17 answer against?"

18 So we'll go ahead, and --

19 MR. HALSTEAD: Well --

20 HEARING OFFICER: -- you can present  
21 your case.

22 MR. HALSTEAD: -- with that then, what  
23 I would do at this point, Your Honor, is I would  
24 offer Exhibits 1, 2, 3, 4, and 5. Exhibit 1 is  
25 the pleadings in this case and all matters that

1 have been filed with the State Board to date.  
2 Exhibit No. 2 is Title 92, Nebraska Administrative  
3 Code, Chapter 20, the rules and regulations  
4 regarding teacher college approval by the State  
5 Board which includes the provisions prohibiting  
6 persons with felony convictions and certain  
7 misdemeanors from being able to do prestudent  
8 teaching activities without approval by the  
9 Commissioner of the Board.

10 Exhibit No. 3 would be Title 92, Nebraska  
11 Administrative Code, Chapter 61, the rules and  
12 regulations regarding petitions before the State  
13 Board of Education and hearings conducted by the  
14 State Board. Exhibit No. 4 would be a copy of the  
15 Dakota County Court record related to a conviction  
16 for the plaintiff in this matter that ultimately  
17 was an attempted possession of a controlled  
18 substance which we believe is prohibited under  
19 Rule 20. And Exhibit No. 5 is a copy of the  
20 Woodbury -- Woodbury County Court record from Iowa  
21 which relates to her felony drunk driving  
22 conviction in the State of Iowa.

23 So I would offer Exhibits 1, 2, 3, 4, and 5.

24 HEARING OFFICER: Do you have any  
25 objection?

1 MS. FRENCHMAN: No.

2 HEARING OFFICER: Okay. Exhibits 1  
3 through 5 are received.

4 (Exhibit Nos. 1 through 5 are  
5 made a part of this Requested  
6 Transcript and may be found  
7 attached hereto.)

8 HEARING OFFICER: And I take it as far  
9 as -- parts of Exhibit 1 include -- that -- those  
10 are the letters --

11 MR. HALSTEAD: Correct. In the --

12 HEARING OFFICER: -- that you  
13 submitted.

14 MS. FRENCHMAN: Yeah. Twice.

15 MR. HALSTEAD: In her petition she  
16 attached all of the letters of reference and --  
17 actually, from the three ladies -- two of the  
18 ladies sitting here.

19 MS. ENGEN-WEDIN: I think from two of  
20 us.

21 MS. FRENCHMAN: Two.

22 MR. HALSTEAD: Two have a letter in --

23 HEARING OFFICER: There was a  
24 gentleman as well in here (indicating).

25 MR. HALSTEAD: Right.

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 HEARING OFFICER: Okay.

2 MS. ENGEN-WEDIN: The superintendent.

3 MR. HALSTEAD: Yeah.

4 HEARING OFFICER: Okay.

5 MR. HALSTEAD: So, in that regard, the  
6 letters that she had written for her are included  
7 in Exhibit 1.

8 HEARING OFFICER: Okay.

9 MR. HALSTEAD: And with that, I guess  
10 I'd call Carol to the stand or the chair.

11 MS. ENGEN-WEDIN: To the chair.

12 MS. FRENCHMAN: Yikes.

13 HEARING OFFICER: Okay. Raise your  
14 right hand.

15 MS. FRENCHMAN: (Complies.)

16 **CAROLINE FRENCHMAN,**

17 called as a witness on behalf of the Department,  
18 having been first duly sworn,  
19 testified as follows:

20 **DIRECT EXAMINATION**

21 BY MR. HALSTEAD:

22 Q. Why don't you state your name and where  
23 you currently reside.

24 A. Caroline C. Frenchman. I live at 105  
25 Walnut Street, Winnebago, Nebraska.

Q. Okay. And I'll get the hardest question

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 out of the way. How old are you?

2 A. Forty-nine.

3 Q. Okay. Where were you born?

4 A. In Chicago, Illinois.

5 Q. Okay. And when did you come to Nebraska  
6 for the first time?

7 A. When I was three.

8 Q. Okay. And how long have you lived in  
9 Nebraska?

10 A. Since I was thirteen.

11 Q. Okay. And where did you live when you  
12 were thirteen?

13 A. In Winnebago.

14 Q. Okay. Did you attend school in Winnebago?

15 A. Yes.

16 Q. Did you --

17 A. I graduated from high school there.

18 Q. And when did you graduate from Winnebago  
19 High School?

20 A. When I was seventeen. May of 1981.

21 Q. Okay. And what did you do once you  
22 graduated from high school?

23 A. I was on the deferred entry program for  
24 military. I went straight into the Army.

25 Q. Oh, okay. So when did you enter the Army?

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 A. At seventeen.

2 Q. Okay. So how long did you serve in the  
3 U.S. Army?

4 A. Three years.

5 Q. Okay. And what did your service include?

6 A. Mostly top-secret communications.

7 Q. And where -- where were you stationed?

8 A. I was stationed at Fort Jackson,  
9 South Carolina; Fort Gordon, Georgia; and  
10 Fort Hood, Texas.

11 Q. Okay. And after your three years in the  
12 military, what did you do then?

13 A. I moved to Chicago.

14 Q. Okay. And what did you do in Chicago at  
15 that time?

16 A. I just worked whatever job I could find.

17 Q. Was there particular jobs you had or . . .

18 A. No. Not really.

19 Q. Okay.

20 A. And then we moved -- I left my husband and  
21 moved to Nebraska -- back --

22 Q. Okay.

23 A. -- to Nebraska.

24 Q. Left your husband. So somewhere in there  
25 you got married?

*CAROLINE FRENCHMAN - Direct (Halstead)*

- 1 A. Yeah.
- 2 Q. When did you --
- 3 A. In the military.
- 4 Q. Okay. We kind of missed that one --
- 5 A. Yeah.
- 6 Q. -- as we were going through the military  
7 service.
- 8 A. Yeah.
- 9 Q. Okay. So you got married while you were  
10 in the --
- 11 A. Married, and then I had a child.
- 12 Q. Okay. And you made the reference you left  
13 your husband.
- 14 A. I left my husband.
- 15 Q. So --
- 16 A. He was an alcoholic.
- 17 Q. -- did you ultimately divorce?
- 18 A. Pardon?
- 19 Q. Did you get divorced from your husband?
- 20 A. Yes.
- 21 Q. Okay. And you -- he was an alcoholic?
- 22 A. Yes.
- 23 Q. Okay. When did you get divorced?
- 24 A. In '89. August of '89.
- 25 Q. And was that here in Nebraska where you --

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 A. Yes.

2 Q. -- got the divorce?

3 A. In Winnebago.

4 Q. Okay. How long did you -- after you got  
5 out of the military, you said you went to Chicago  
6 for a while?

7 A. Yeah.

8 Q. How long did you stay in Chicago?

9 A. Probably a year.

10 Q. Okay. And then where did you go?

11 A. Back to Winnebago.

12 Q. Okay. So you were back in Winnebago  
13 around 1985, '86?

14 A. Yeah, '85. My brother graduated from high  
15 school May of '85.

16 Q. And when you came back to Winnebago, what  
17 did you do then?

18 A. I went crazy. No. That's when my  
19 craziness all started. I'd never really been on  
20 my own; so that's basically when everything  
21 started, I guess.

22 Q. So what -- what -- what started then? How  
23 would you --

24 A. My drinking and --

25 Q. Okay.

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 A. -- drugging.

2 Q. So drinking hadn't been part of your life  
3 prior to that?

4 A. Well, I did some drinking in the military,  
5 but once I had my son, I decided it was time to,  
6 you know, be at home and have a family and . . .

7 Q. Okay. So you're back in Winnebago.  
8 You're still married to your husband at that time?

9 A. Yeah.

10 Q. You had a child?

11 A. Yeah.

12 Q. Okay.

13 A. I had my -- my son in the military.

14 Q. Okay. And you started drinking?

15 A. (Witness nods head.)

16 Q. So let's kind of walk through -- what was  
17 the first criminal offense you can think of after  
18 you returned to Winnebago for which you were  
19 convicted?

20 A. Probably -- I think it was a drunk  
21 driving.

22 Q. Okay. Do you remember when that would  
23 have occurred?

24 A. No. It was like -- I want to say  
25 '80-something. Late '80s. Maybe . . .

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 Q. Okay. And did that happen in Nebraska or  
2 in Iowa?

3 A. I think it was -- I don't even know.

4 Q. Okay.

5 A. I couldn't even tell you without looking  
6 at the papers.

7 Q. Do you remember what your sentence was for  
8 that drunk driving offense?

9 A. No.

10 Q. Did you go to jail?

11 A. Yeah.

12 Q. Okay. Did you seek any treatment for your  
13 alcoholism at --

14 A. No.

15 Q. -- that time? Okay. So after that DUI  
16 what do you recall was your next criminal offense?

17 A. Probably another DUI.

18 Q. And would that have been in Nebraska or  
19 Iowa?

20 A. I think that one was in Nebraska too  
21 because --

22 Q. Okay.

23 A. -- they pulled my two from Nebraska for  
24 the Iowa charge.

25 Q. Got it. And the -- I'm going to help you.

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 A. It looks really bad on paper, I know,  
2 'cause I don't remember. It was just like . . .

3 Q. I'm going to borrow one of the exhibits,  
4 Exhibit No. 4, which is the Court record from  
5 Dakota County, Nebraska. If you'd look at that --

6 A. Yeah. I've read it --

7 Q. Okay. Do you --

8 A. -- and I thought, "Wow! I didn't even  
9 remember some of that."

10 Q. We're in 1992 for this offense.

11 A. Okay.

12 Q. It says that on February 11th you  
13 possessed marijuana with the intent to distribute  
14 it. That was the original charge in the case.

15 A. That was the original charge, and it  
16 happened because I told them I was going to a  
17 party in Sioux City and I was going to share the  
18 joint they found, and so they charged me with  
19 intent --

20 Q. Okay.

21 A. -- to deliver.

22 Q. Okay.

23 A. I thought, "Wow! That looks really bad on  
24 paper" --

25 Q. Do you remember how you got --

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 A. -- "when this is what I said."

2 Q. How did you get stopped? What -- what  
3 made -- what brought you into contact with law  
4 enforcement on that date?

5 A. Just -- I was on my way to the city, and  
6 he pulled me over. I don't even know why. I --  
7 we have trouble in Dakota County with them pulling  
8 over 55 plates, and there's always been -- I don't  
9 know -- whatever it is, and he asked me if he  
10 could search my car, and I said, "Yeah, sure" --

11 Q. Okay.

12 A. -- not -- not thinking that he was going  
13 to look in my purse, and he pulled my wallet out,  
14 and, lo and behold, I had a joint in my wallet,  
15 and he's like "Okay. We're taking you in," and I  
16 was like "What?"

17 HEARING OFFICER: Excuse me. So this  
18 was not a D -- DUI at that point?

19 THE WITNESS: No. At that point,  
20 no --

21 HEARING OFFICER: Okay.

22 THE WITNESS: -- it wasn't.

23 Q. (By Mr. Halstead) Okay. You had a joint  
24 in your wallet which, I take it, was the  
25 marijuana.

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 A. Yeah --

2 Q. Okay.

3 A. -- that was the marijuana.

4 Q. When did you start smoking marijuana?

5 A. When I was a teenager.

6 Q. Okay. So had you been doing that through  
7 your time while you were in the military?

8 A. No.

9 Q. Oh, okay.

10 A. No. I had experimented with it as a  
11 teenager, and then after the military, I kind of  
12 went back to it.

13 Q. Okay. So the -- would the marijuana tie  
14 in with when you started drinking?

15 A. Yeah.

16 Q. Okay.

17 A. Yeah.

18 Q. So as you were drinking, you may have  
19 sometimes been smoking marijuana?

20 A. Yeah.

21 Q. Okay. In this Dakota County file, if I  
22 can find the page, it appears there was a plea  
23 agreement that was made with you relating to a  
24 whole number of charges that were pending at the  
25 time.

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 A. Uh-huh.

2 Q. I think it's back -- if you can, find that  
3 page in the document. I'm going to use that as my  
4 reference point. I think it's back a couple more  
5 pages. Right there (indicating), I think, isn't  
6 it? No. Next page.

7 A. There (indicating) it is.

8 Q. Yes, there it is. It's talking about a --  
9 it says at the top it's on the 12th day of May,  
10 1992.

11 A. Uh-huh.

12 Q. Do you see that?

13 A. Yeah.

14 Q. Was there a plea agreement that you  
15 entered into with the State of Nebraska to resolve  
16 a number of criminal offenses that were pending at  
17 the time?

18 A. Yeah.

19 Q. Okay. And I think if we go back a few  
20 more pages now, we're going to be at a journal  
21 entry that says the 20th of July, 1992.

22 A. (Witness nods head.)

23 Q. Do you find that page?

24 A. Yeah.

25 Q. All right. And it says in here there was

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 a plea agreement. It said you would plead guilty  
2 to a case that involved no valid registration?

3 A. (Witness nods head.)

4 Q. I take it that was -- you were operating a  
5 motor vehicle that didn't have registration?

6 A. Yeah.

7 Q. Was that your own car?

8 A. Well, that was my own car, yeah.

9 Q. And it wasn't registered when you were  
10 driving it?

11 A. I don't -- it must -- I mean, the --  
12 they -- they even said that I didn't have a valid  
13 driver's license which I did, and then they said,  
14 "Oh, the State made a mistake and shouldn't have  
15 issued a license," and I thought, "Well, how does  
16 that work?"

17 Q. Okay.

18 A. So -- but, yeah, I think I still was  
19 driving this vehicle. I had bought it, and I  
20 don't think I registered it --

21 Q. Okay.

22 A. -- within the time frame that I needed to.

23 Q. Okay. It says Count II in another case,  
24 driving under suspension, was going to be  
25 dismissed; so that probably related to when you

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 said they said -- they gave you a driver's  
2 license, but they shouldn't have?

3 A. Yeah, 'cause I had it -- I had one --

4 Q. Okay.

5 A. -- that I gave to the police officer.

6 Q. Okay. It says that in a third case number  
7 you're going to plead guilty to driving under the  
8 influence of alcohol; so was there another  
9 offense --

10 A. They -- it was -- I don't know why they  
11 had "alcohol." They charged me with that because  
12 of the marijuana --

13 Q. Okay.

14 A. -- and they said that marijuana stays in  
15 your system --

16 Q. Well --

17 A. -- for -- they're not sure -- for  
18 whatever --

19 Q. Okay.

20 A. -- three or five days or whatever, and --

21 Q. But, apparently --

22 A. So they were charging me with driving  
23 under the influence, but I wasn't actually under  
24 the influence when he stopped me.

25 Q. Okay.

## CAROLINE FRENCHMAN - Direct (Halstead)

1 A. I mean, I didn't just smoke or I wasn't  
2 just drinking that day, but they charged me with  
3 it --

4 Q. Okay.

5 A. -- because I had the marijuana in my  
6 purse.

7 Q. Well, it says here (indicating) you're  
8 going to plead guilty to that charge and they're  
9 going to recommend six months probation.

10 A. Yeah.

11 Q. Okay. I'm -- I'm just walking down. The  
12 next one --

13 A. Yeah.

14 Q. -- talks about how they're going to  
15 dismiss a no operator's license in another case --

16 A. (Witness nods head.)

17 Q. -- is that correct?

18 A. Yeah.

19 Q. And then it talks about how you're going  
20 to plead guilty to possession of drug  
21 paraphernalia and pay a \$100 fine; so --

22 A. Yeah.

23 Q. -- is that related to the marijuana or --

24 A. Marijuana and rolling papers, yeah.

25 Q. Okay. They're going to dismiss another

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 charge about keeping a controlled substance in an  
2 unauthorized container. Is that related to the  
3 marijuana cigarette?

4 A. No.

5 Q. Do you remember -- what was --

6 A. I don't remember what that was.

7 Q. Okay. And then we get to the last one --  
8 that's 52-266 -- where you're going to plead  
9 guilty to an amended charge of criminal attempt of  
10 a possession of -- I can never say this --  
11 alprazolam which is a benzodiazepine. That's a  
12 drug. Was that what they amended the marijuana  
13 charge down to --

14 A. I think so.

15 Q. -- was that? And that --

16 A. Yeah, 'cause I was like "What is that?"

17 Q. Okay. For which you were going to get --

18 A. I didn't remember that until like -- you  
19 know, when you sent me this packet, I read it, and  
20 I thought, "I don't remember. I remember having  
21 the joint, but I don't remember" --

22 Q. Okay.

23 A. -- "you know" --

24 Q. And it said they'd recommend eighteen  
25 months probation for you?

## CAROLINE FRENCHMAN - Direct (Halstead)

1 A. Yeah.

2 Q. All right. So as a result of all of this,  
3 the -- the Court clearly put you on probation for  
4 a period of time for the offenses --

5 A. Uh-huh.

6 Q. -- that are outlined here.

7 A. Yeah.

8 Q. Do you remember what you had to do while  
9 you were on probation?

10 A. Just keep -- I had like weekly -- weekly  
11 visits with my probation officer, either by phone  
12 or stopping in the office; and I was subject to  
13 random UAs; and --

14 Q. Urinalysis, right --

15 A. Yeah.

16 Q. -- UAs?

17 A. Yeah.

18 Q. Just making --

19 A. And then I also had to look for work  
20 'cause I don't think I was working at the -- I  
21 worked very sporadically; so -- I -- I think that  
22 was pretty much it.

23 Q. Okay. Did you complete the probation in  
24 that case?

25 A. I think I actually went to jail before --

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 Q. Okay.

2 A. -- it was done.

3 Q. And was there a reason why you went to  
4 jail?

5 A. I was still drinking and drugging.

6 Q. Okay. So your probation may have been  
7 revoked, and you may have gone to jail as part of  
8 that?

9 A. Yeah.

10 Q. Okay.

11 A. And that was like, like I said, when all  
12 the craziness . . .

13 Q. By this time were you divorced, in '92?

14 A. Yeah.

15 Q. Okay.

16 A. I was divorced in August of '89.

17 Q. Okay. So you're living with your son and  
18 yourself?

19 A. Yeah.

20 Q. Okay. How were you supporting yourself  
21 then?

22 A. For a little bit I got welfare, and then I  
23 took my son to my mom because the State of Iowa  
24 threatened to take him from me because I was  
25 renting a room from a friend, and they said that I

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 couldn't have the same sex child sleeping in the  
2 same bedroom as -- or not of the same sex child  
3 sleeping in the same room with me. And I just was  
4 like "You guys are sick, you know. I wouldn't  
5 touch my son," and I thought, "Well" -- I wasn't  
6 going to let the State of Iowa take him; so I -- I  
7 went to my mom and asked her to take my son.

8 Q. And where did your mom -- where did your  
9 mom live at that time?

10 A. In Winnebago.

11 Q. Okay. All right. Then you have the  
12 felony drunk driving charge in Iowa.

13 A. Yeah.

14 Q. And do you remember what led up to that  
15 arrest?

16 A. Yeah. My friend was driving me home, and  
17 he was more intoxicated than I was, and his  
18 driving was scaring me; so I offered to drive, and  
19 we stopped. Apparently, there was an unmarked  
20 police officer that saw us pull over. And I got  
21 out and went around the car to the driver's side,  
22 and he slid over, and the -- the police officer  
23 followed us and pulled us over like a couple  
24 blocks later.

25 Q. Okay. And you were under the influence

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 also?

2 A. Yeah.

3 Q. Okay. And the two drunk driving  
4 convictions from Nebraska --

5 A. They pulled those, yeah.

6 Q. And that's what got you your felony --

7 A. Yeah.

8 Q. -- in Iowa?

9 A. Yes.

10 Q. Do you remember what the sentence was that  
11 you received for the Iowa felony?

12 A. Five years.

13 Q. Five years imprisonment?

14 A. Yes.

15 Q. And where -- did you serve five years in  
16 prison?

17 A. I served eighteen months.

18 Q. And where did you serve that?

19 A. I went to Oakdale for -- oh, I don't even  
20 know how long I was there. Six weeks maybe.

21 Q. Oakdale is . . .

22 A. Is a -- a female in-processing --

23 Q. Okay.

24 A. And then I had a counselor there, and she  
25 said, "What are you doing here with all these

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 hardened criminals? You're -- you need  
2 treatment." And so she asked me if I took  
3 counseling if I would do that. Sorry.

4 Q. No. That's okay.

5 (At this time a brief recess was  
6 taken.)

7 A. She just asked me if I would be willing to  
8 go into a treatment program, and I told her that  
9 "Yes, I would."

10 Q. (By Mr. Halstead) Okay. And where was  
11 the treatment program?

12 A. They offered three treatment facilities in  
13 Iowa. There's one in Sioux City which I told her  
14 I didn't want to go back to and one in Council  
15 Bluffs and one in Spencer; so I chose the one in  
16 Council Bluffs.

17 Q. Okay. And did you complete that treatment  
18 program?

19 A. Yes.

20 Q. And after you completed the treatment  
21 program, then what happened next?

22 A. Well, I -- part of the -- being in the  
23 treatment was you had to get a job. They helped  
24 you transition from prison life back into civilian  
25 living, and so I had to have a job and work while

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 I was there, pay, you know, rent or whatever. And  
2 then -- so I was working, and I -- they helped you  
3 find, you know, housing and pay your bills and all  
4 of that, you know, to kind of transition you from  
5 the treatment facility out into civilian life; so  
6 I just stayed there in Council Bluffs.

7 Q. Okay. And do you remember where you were  
8 working?

9 A. Yes. I was working for Burke's  
10 Restaurant.

11 Q. As a waitress? A cook?

12 A. I did -- did it all.

13 Q. Okay.

14 A. I did the cook, waitress, cashier. I  
15 worked in the store. Wherever the boss needed me,  
16 I worked.

17 Q. Okay. Do you remember how long you worked  
18 there?

19 A. Probably two and a half years.

20 Q. Okay. So after -- was -- did your  
21 employment at the Burke's Restaurant end when you  
22 completed your transition?

23 A. No.

24 Q. You continued working there after?

25 A. I continued working there after.

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 Q. Okay.

2 A. My -- I was only there probably six months  
3 during my treatment time --

4 Q. Okay. So --

5 A. -- and then I entered into a three-year  
6 outpatient treatment on my own.

7 Q. And where was that?

8 A. In Council Bluffs --

9 Q. Okay.

10 A. -- through Burgess -- Burgess Memorial, I  
11 think it's called.

12 Q. Okay. And did you complete the outpatient  
13 program?

14 A. Yes.

15 Q. And do you remember what year it would  
16 have been when you completed the outpatient  
17 program?

18 A. '90 -- '97 or '98.

19 Q. Okay. And were you still working at this  
20 time?

21 A. Yeah. I was working for Blues Amusement  
22 then.

23 Q. Blues Amusement?

24 A. Yeah. And I had moved back to the  
25 reservation to take care of my grandmother.

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 Q. Okay. So you're now back -- you moved  
2 back to Winnebago?

3 A. Yeah.

4 Q. Okay. And when you moved back to the  
5 reservation, what did you do then?

6 A. Took care of my grandmother till --

7 Q. Okay.

8 A. -- she passed.

9 Q. And when did your grandmother pass?

10 A. In '98.

11 Q. Okay. Thank you. Then what did you do?

12 A. Then I started working for Head Start --

13 Q. Okay.

14 A. -- in Winnebago.

15 Q. And what did you do for Head Start?

16 A. I was a teacher aide.

17 Q. Okay. And how long did you work as a  
18 teacher aide at Head Start?

19 A. Two years. And then I was recruited to a  
20 grant program through Little Priest, the --

21 Q. The Tribal --

22 A. -- Tribal College.

23 Q. -- College?

24 A. Yeah.

25 Q. Okay. And what is --

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 A. As a bilingual curriculum specialist.

2 Q. Okay. And what did that entail?

3 A. Teaching language to -- to all grade  
4 levels.

5 Q. Okay. And bilingual in the sense of what?

6 A. Our native --

7 MS. ENGEN-WEDIN: Ho-Chunk.

8 A. -- Ho-Chunk language.

9 Q. (By Mr. Halstead) Okay. That's what I  
10 presumed, but you need to --

11 MS. ENGEN-WEDIN: I filled in the  
12 blank.

13 Q. (By Mr. Halstead) Ho-Chunk and English.

14 HEARING OFFICER: Okay. Just let her  
15 testify.

16 MS. ENGEN-WEDIN: I'm sorry.

17 MR. HALSTEAD: It's all right.

18 HEARING OFFICER: Thank you.

19 MS. ENGEN-WEDIN: I'm sorry. I knew  
20 what you were asking.

21 Q. (By Mr. Halstead) So how long did you do  
22 that?

23 A. That grant lasted until 2003. Something  
24 like that.

25 Q. And the -- this was in the Head Start

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 program you were doing the dual language or is  
2 this at the Tribal College?

3 A. It was a grant administered by the -- by  
4 the college, but we serviced like the Head Start,  
5 day cares --

6 Q. Okay.

7 A. -- and -- excuse me -- elementary  
8 grades --

9 Q. Okay.

10 A. -- in all -- the public school and the  
11 St. Augustine Indian Mission too.

12 Q. Okay. So this would have been for younger  
13 children in the Winnebago community --

14 A. Yeah.

15 Q. -- whether they were in Head Start, a day  
16 care or --

17 A. Yeah.

18 Q. Okay. So that went until about 2003, you  
19 said?

20 A. Yeah.

21 Q. Then what did you do?

22 A. Then I -- I started school full-time  
23 'cause then I knew I wanted to go into teaching.  
24 I collected unemployment, and the State of  
25 Nebraska at the time had a -- a program that if

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 you were degree-seeking in a profession that they  
2 deemed -- I don't know what the word I'm looking  
3 for is -- they would just pay you -- pay you your  
4 unemployment as long as you were going to school  
5 and getting good grades.

6 Q. Okay. So where did you go to school?

7 A. At Little Priest there --

8 Q. Okay.

9 A. -- on the reservation.

10 Q. And you started doing this in what year,  
11 do you remember?

12 A. 2003.

13 Q. Okay. And how long --

14 A. The spring of 2003.

15 Q. And how long did you continue with that?

16 A. Just through the summer because then  
17 May -- yeah, May of 2003 the Tribal Council then  
18 came to my home and asked me to start working for  
19 the language program; so I started working for the  
20 language program in May of 2003.

21 Q. And the language program --

22 A. It was a program --

23 Q. -- is that the Tribe --

24 A. Yeah. It was a program that -- they  
25 pulled together all the people in the community

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 that were working real strong with the language or  
2 language and culture. They pulled them all  
3 together and created a language program.

4 Q. Okay. So now you're working for the  
5 Winnebago Tribe?

6 A. Yes.

7 Q. And how long did that last?

8 HEARING OFFICER: Excuse me.

9 A. I'm still presently employed.

10 Q. (By Mr. Halstead) Okay.

11 HEARING OFFICER: Excuse me. I must  
12 have missed a date. When did you start the school  
13 full-time?

14 THE WITNESS: May.

15 HEARING OFFICER: Of . . .

16 THE WITNESS: Or, I mean, January of  
17 2003.

18 HEARING OFFICER: Okay. I was seeing  
19 both --

20 THE WITNESS: And I only went --

21 HEARING OFFICER: -- both --

22 THE WITNESS: I only went the one  
23 semester, and then I started --

24 HEARING OFFICER: Okay.

25 THE WITNESS: -- working for the

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 Tribe.

2 HEARING OFFICER: Well, I saw both  
3 were starting in May of 2003, and that's what  
4 confused me. I didn't -- okay.

5 Q. (By Mr. Halstead) So, basically, you were  
6 doing school full-time from January through May of  
7 2003?

8 A. Yeah.

9 Q. And then you took the job with the Tribe  
10 in the language program?

11 A. Yes.

12 Q. And you're still working there now?

13 A. Yes.

14 Q. What -- what -- what does that position  
15 require you to do?

16 A. We do -- like in the summers we do  
17 cultural camp. We go into classrooms and teach  
18 the Ho-Chunk language to students and the teacher  
19 in the classroom.

20 Q. Okay. And you're still working there  
21 today; correct?

22 A. Yes.

23 Q. Okay. I take it now you want to go finish  
24 your education and get a teaching degree.

25 A. Yes.

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 Q. Okay. So have you enrolled anywhere to  
2 start doing that?

3 A. I am not currently yet enrolled with UNL,  
4 but I was recruited by Indigenous Roots.

5 Q. Okay. So that's your intention --

6 A. Yes.

7 Q. -- to do it through UNL and the  
8 Indigenous --

9 A. Yes.

10 Q. -- Roots Program? Okay. When you -- in  
11 this language program with the Tribe, you say you  
12 go into the classrooms?

13 A. Yes.

14 Q. Which school districts or schools are the  
15 classrooms that you're going into?

16 A. Well, I've been in all of them.

17 Q. How -- when you say --

18 A. Head Start through college.

19 Q. Okay.

20 A. I've taught preschool, infancy through  
21 adult.

22 Q. Okay. So when we're talking about --  
23 let's just focus on the K-12 grades.

24 A. Okay.

25 Q. Are there school districts where you would

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 go in and work with students in their classrooms?

2 A. Yes.

3 Q. What school districts would that have  
4 been?

5 A. Winnebago.

6 Q. Just in the Winnebago School District?

7 A. Yeah.

8 Q. Okay. And St. Augustine, would you do it  
9 there --

10 A. Yes.

11 Q. -- too? Okay. That's the Catholic --

12 A. Yeah.

13 MS. MURPHY: And that's part of the  
14 Archdioceses of Omaha.

15 Q. (By Mr. Halstead) Okay. We've talked  
16 about several drunk driving convictions, the  
17 attempted possession of a controlled substance  
18 conviction in Nebraska, and your felony drunk  
19 driving conviction in Iowa.

20 A. (Witness nods head.)

21 Q. Have you had any other criminal  
22 convictions since then?

23 A. No.

24 Q. Any traffic offenses? You know, speeding?  
25 Stop sign violations?

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 A. I had a speeding in December 2010 --

2 Q. Okay.

3 A. -- I think it was, in Washington County.

4 Q. In Nebraska?

5 A. Yeah.

6 Q. Okay.

7 A. And that's 'cause I just was busy blabbing  
8 and didn't set my cruise control.

9 Q. So other than traffic offenses, any  
10 other -- you've not had any other interaction with  
11 law enforcement or any criminal convictions?

12 A. No.

13 Q. Okay. Have you been in -- I mean, you've  
14 lived in the Winnebago area for quite a while now.

15 A. Yeah.

16 Q. Are you involved in any other activities  
17 besides your job at the Winnebago -- with the  
18 Winnebago Tribe?

19 A. I dance at powwow every year.

20 Q. And for everybody who isn't familiar, can  
21 you tell us what powwow is?

22 A. It's an annual celebration, dancing --  
23 traditional dancing.

24 Q. And is this something that goes on every  
25 year in Winnebago?

*CAROLINE FRENCHMAN - Direct (Halstead)*

1 A. Yes.

2 Q. Okay. Are there any other --

3 A. I --

4 Q. Do you volunteer for any other activities?

5 A. Yeah. I sit -- I sit on the Thurston  
6 County Board of Supervisors, and I also -- I sit  
7 on a gaming development board that oversees two  
8 small casinos and, hopefully, one in Sioux City  
9 coming up. And I sit on the Housing Board and my  
10 veterans -- my veterans -- I sit on a veterans  
11 memorial committee.

12 Q. Okay. The Gaming Board and the Housing  
13 Board, are those both with the Tribe or --

14 A. Yeah.

15 Q. Okay.

16 A. And I also sit on the Little Priest  
17 College Board.

18 Q. Okay. The Thurston County Supervisors --

19 A. Thurston County Board, yes.

20 Q. Were you elected to --

21 A. Yes.

22 Q. -- that position? Okay. How long have  
23 you served there?

24 A. Four years.

25 Q. Okay. When does your term end?

*CAROLINE FRENCHMAN - Direct (Halstead)*

1           A.    I just re -- they just re-swore me in in  
2   January --

3           Q.    So you're starting --

4           A.    -- for the beginning of my --

5           Q.    -- your second four-year term?

6           A.    Yeah.

7           Q.    Okay.  How many are on the Thurston County  
8   Board of Supervisors?

9           A.    There's seven of us.

10          Q.    Seven.  Okay.  So why do you want to be a  
11   teacher?

12          A.    Well, I knew when I walked into her  
13   (indicating) classroom in Head Start.  I figure a  
14   hundred years from now I want my life to mean  
15   something, to have left some kind of impact for my  
16   people.

17          Q.    Okay.  Does your son still live with you?

18          A.    No.  He's grown.  He's thirty years old.  
19   He tries to come home every now and then.  It's  
20   like "No."

21          Q.    Okay.  Is that your only child?

22          A.    Yes.

23          Q.    Okay.

24                       MR. HALSTEAD:  I don't think I have  
25   any other questions.  Thank you very much,

1 Caroline.

2 HEARING OFFICER: I don't have any  
3 questions.

4 MR. HALSTEAD: Is there anything you  
5 want to say or talk about that I didn't ask you  
6 about?

7 HEARING OFFICER: I mean, you can --  
8 it's essentially cross-examining yourself. You  
9 can either do that now or you can wait and testify  
10 when it's your turn.

11 MR. HALSTEAD: 'Cause I -- I have no  
12 other witnesses. Caroline's my only witness that  
13 I was going to use here; so . . .

14 MS. FRENCHMAN: No. I -- I'm fine, I  
15 guess, other than getting emotional on you guys.

16 HEARING OFFICER: Okay. Did you have  
17 any further --

18 MR. HALSTEAD: No. I have nothing  
19 further. I'm done.

20 HEARING OFFICER: Okay. Now we switch  
21 to your side, and --

22 MS. FRENCHMAN: Okay.

23 HEARING OFFICER: -- and we just have  
24 the five exhibits. You didn't have anything else;  
25 is that correct?

1 MS. FRENCHMAN: I have Darla and --

2 HEARING OFFICER: I mean, as far as  
3 documents.

4 MS. FRENCHMAN: Oh, no. No more  
5 documents.

6 HEARING OFFICER: Okay. So you -- you  
7 have witnesses -- three -- three witnesses. And  
8 did you want to testify yourself also?

9 MS. FRENCHMAN: Yeah. I can.

10 HEARING OFFICER: Well, I'm not asking  
11 you -- what order do you want to go in? How do  
12 you want to do this?

13 MS. FRENCHMAN: I don't know. I guess  
14 I -- you sat and listened through everything. I  
15 guess I'll start and then Brenda. We'll just go  
16 in -- in this (indicating) order 'cause that's  
17 kind of how --

18 HEARING OFFICER: Okay. Now, the  
19 witnesses -- it needs to be a question-answer  
20 format just like typical -- just like  
21 Mr. Halstead's been doing with yourself. That  
22 would be -- that would be odd and -- and --

23 MS. ENGEN-WEDIN: To ask yourself.

24 HEARING OFFICER: -- yeah, to ask  
25 yourself questions, but if Mr. Halstead interrupts

CAROLINE FRENCHMAN - Direct

1 and wants to make an objection, just stop there so  
2 I can --

3 MS. FRENCHMAN: Okay.

4 HEARING OFFICER: -- you know,  
5 respond. But go ahead and just testify. You  
6 know, tell me what you want me to hear that would  
7 be facts you think are important for me to know.

8 CAROLINE FRENCHMAN,

9 called as a witness on her own behalf,  
10 having been previously duly sworn,  
11 testified as follows:

12 DIRECT EXAMINATION

13 THE WITNESS: Well, I guess I haven't  
14 been in any trouble since my convictions other  
15 than my speeding ticket and a seat belt ticket. I  
16 don't even know how long ago that was. There's  
17 not much more than that really.

18 HEARING OFFICER: Okay.

19 MS. FRENCHMAN: That's probably it for  
20 me. I mean, you've heard from his (indicating)  
21 questioning.

22 HEARING OFFICER: And then you wish to  
23 call a witness then?

24 MS. FRENCHMAN: Okay. Then I have to  
25 ask the questions?

MR. HALSTEAD: Pick which one you want

*BRENDA MURPHY - Direct (Frenchman)*

1 to talk next.

2 MS. ENGEN-WEDIN: You can ask Brenda  
3 questions.

4 MS. FRENCHMAN: Okay.

5 HEARING OFFICER: Okay. You want to  
6 start with Brenda Murphy then?

7 MS. FRENCHMAN: Yeah, I guess.

8 HEARING OFFICER: Okay. Would you  
9 raise your hand -- right hand?

10 MS. MURPHY: (Complies.)

11 **BRENDA MURPHY,**

12 called as a witness on behalf of Caroline Frenchman,  
13 having been first duly sworn,  
14 testified as follows:

15 HEARING OFFICER: Okay.

16 **DIRECT EXAMINATION**

17 BY MS. FRENCHMAN:

18 Q. I guess -- how long have you known me?

19 A. I met you in -- informally in January of  
20 '98 at that New Warrior Society meeting, and that  
21 was -- the New Warrior Society was a program  
22 developed to kind of counteract what was happening  
23 with the youth, you know, to provide --

24 Q. Oh, I forgot I was on that.

25 A. Yeah. And she stood up, and she spoke  
about, you know, how her past had been difficult

*BRENDA MURPHY - Direct (Frenchman)*

1 without going into detail. Oh, excuse me.

2 You're -- you're questioning.

3 MR. HALSTEAD: Oh, go right ahead.

4 You're doing great.

5 HEARING OFFICER: You have no

6 objection --

7 MR. HALSTEAD: No, no, I don't.

8 HEARING OFFICER: -- to her just --

9 MR. HALSTEAD: No objection.

10 A. And you were speaking about how difficult  
11 your past had been and how you were rising up to  
12 make a difference and -- and gave some examples,  
13 and I was -- I was quite inspired by that.

14 And then in March of 2000 -- excuse me --  
15 1997 -- 1998 -- March of 1998, I was a teacher at  
16 Head Start, a new teacher, brand-new to Winnebago  
17 and brand-new to teaching at Head Start and was a  
18 little bit overwhelmed by having so many naughty  
19 kids in one room. And my first teacher aide had  
20 left after the first day, and two weeks later they  
21 hired you. And when you walked in and you said to  
22 them "You stop that. You sit down. Knock that  
23 off right now," and they all sat down and there  
24 was calm, I thought, "Don't -- don't leave. Don't  
25 leave. Please don't leave." But, yeah, that's

*BRENDA MURPHY - Cross (Halstead)*

1 how I met you was -- was you being my teacher  
2 aide.

3 Q. (By Ms. Frenchman) Okay. I guess since  
4 you've known me, you haven't seen any of the  
5 behaviors like this (indicating) in the documents?

6 A. No. Absolutely not. I have not seen  
7 any -- any drinking, no drugging. Just very  
8 responsible behavior, and I have worked with you  
9 at three different jobs; so . . .

10 MS. FRENCHMAN: Okay. No further  
11 questions, I guess.

12 CROSS-EXAMINATION

13 BY MR. HALSTEAD:

14 Q. Brenda, tell us a little bit about  
15 yourself, who you are.

16 A. I was born and raised on Cape Cod,  
17 Massachusetts, and I came out here in '97 to the  
18 Midwest and started teaching in Winnebago in 1998.  
19 I have four children. I'm fifty-seven. I don't  
20 dye my hair, obviously. Well, you're asking about  
21 myself.

22 I've known Caroline very well for fifteen  
23 years. I've been her supervisor, and it's been a  
24 good -- very good -- we -- we call each other  
25 sister. We're adopted sisters; so we're a

*BRENDA MURPHY - Cross (Halstead)*

1 combined family. I went through the ROOTS program  
2 and graduated, and I'm now in the graduate  
3 program. Let's see. What else?

4 Q. Where are you currently working?

5 A. Currently I'm working at St. Augustine  
6 Indian Mission. I'm a middle school science and  
7 social studies teacher.

8 Q. Okay. How long have you been working  
9 there?

10 A. Four years.

11 Q. Okay.

12 A. Before then I was two years at Walthill  
13 Public School as an art teacher -- a K through 12  
14 art teacher. Prior to that I worked for the  
15 language program -- the Ho-Chunk Renaissance  
16 language program where I worked with Caroline.  
17 Before then it was Title VII with Caroline.

18 Q. Before that it was Head Start.

19 A. And before then it was Head Start with  
20 Caroline; so -- I've been working with her for  
21 quite a period of time in different teaching  
22 positions; so I've seen her -- and she's just a  
23 natural. She's a natural teacher, and she has  
24 command of the classroom when she goes in. They  
25 don't mess around with her, you know; so --

*DARLA LAPOINTE - Direct (Frenchman)*

1 anything else?

2 MR. HALSTEAD: No. Thank you.

3 HEARING OFFICER: Do you have any  
4 further questions for her?

5 MS. FRENCHMAN: No.

6 HEARING OFFICER: Okay. Your next  
7 witness is . . .

8 MS. FRENCHMAN: Darla LaPointe. She's  
9 the Tribal Education Director.

10 HEARING OFFICER: Okay. Ms. LaPointe,  
11 will you raise your right hand?

12 MS. LAPOINTE: (Complies.)

13 **DARLA LAPOINTE,**

14 called as a witness on behalf of Caroline Frenchman,  
15 having been first duly sworn,  
16 testified as follows:

17 HEARING OFFICER: Okay.

18 **DIRECT EXAMINATION**

19 BY MS. FRENCHMAN:

20 Q. I guess tell us about yourself just so  
21 they know. I mean, I know.

22 A. Currently I'm the Tribal Education  
23 Director. I've been in education for quite some  
24 time in different -- at different levels. I've  
25 been in the Education Director position for almost  
two years in June. With that position, when I

*DARLA LAPOINTE - Direct (Frenchman)*

1 first started, I overseen the Renaissance program  
2 which Caroline works for, and so we kind of had  
3 contact there for probably about six months, and  
4 then they moved the Renaissance program somewhere  
5 else. Maybe a little more than that.

6 Previously to that I was the Dean of  
7 Admissions and Records at Little Priest Tribal  
8 College for ten years. Well, I did financial aid  
9 when I first started, and then I did the admission  
10 and registration. And that's kind of where  
11 Caroline -- she started taking classes here and  
12 there, and I kind of got to know her that way  
13 also.

14 And I -- actually, right out of high  
15 school, I went to college. I got my associate  
16 from NICC, and then I got a bachelor's degree from  
17 Wayne State College in 2002. I am the mother of  
18 six kids. I'm single. And when I first met  
19 Caroline, I was actually a young girl. She used  
20 to baby-sit me and my sisters and my little  
21 brother. I would say around the age of seven that  
22 I can recall. You know how -- and I'm relating it  
23 to the house because that's how old I was when I  
24 lived there. She actually baby-sat us and took  
25 care of us.

*DARLA LAPOINTE - Direct (Frenchman)*

1           And the things that I -- that I still know  
2 her for -- I mean, I didn't know anything about  
3 this (indicating). This is the first time I'm  
4 hearing of this; so, you know, it is actually  
5 surprising to me because as a young girl she was  
6 very vocal, and she really got -- there's just  
7 something about her that got us motivated. I  
8 mean, like my mom -- she would come in and just  
9 (onomatopoeia). And then she would just come in  
10 with her stern voice, and it just -- you know, I  
11 don't know what it was. It was just not so much  
12 controlling. It was just in a -- in a way that  
13 related to, you know, my age, I guess.

14           And then as I got older and -- you know,  
15 like she said, she went away. And then I really  
16 didn't come into contact again with her until she  
17 started taking classes at NICC.

18           HEARING OFFICER: Excuse me. What's  
19 NICC?

20           THE WITNESS: Oh, Nebraska Indian  
21 Community College --

22           HEARING OFFICER: Okay.

23           THE WITNESS: -- which is actually --

24           MS. FRENCHMAN: Which is now Little  
25 Priest.

*DARLA LAPOINTE - Direct (Frenchman)*

1 THE WITNESS: Yeah. The Tribe -- they  
2 did their own --

3 HEARING OFFICER: Oh, I see.

4 THE WITNESS: -- Indian college, and  
5 Little Priest is the Tribal College now.

6 A. So with Renaissance and overseeing  
7 Renaissance, you know, as her being a teacher and  
8 already teaching the language, you know, she's  
9 able to control the classroom in a manner that is  
10 not abusive or nonvocal which -- I mean, by like  
11 not hollering or being, you know, harsh in any  
12 way, like "Sit down and shut up," you know, or  
13 whatever. It's more of a -- she just has that --  
14 I don't know what to call it. It's just like a  
15 certain thing about her that has the ability to  
16 get your attention, and her voice, you know, that  
17 is a part of it.

18 But, you know, with me the language is  
19 what, you know, really ties me to Caroline and  
20 education. Our language is pretty much, you know,  
21 almost nonexistent. I think we're down to maybe  
22 seven or eight fluent speakers. Caroline is  
23 pretty close to being a fluent Ho-Chunk speaker.  
24 I think that being able to get into the teachers  
25 program would be a very valuable asset for her to

*DARLA LAPOINTE - Direct (Frenchman)*

1 go in and have the credentials to be a teacher, to  
2 have the experience and the knowledge to go about  
3 that in a way that will help the children learn.

4           Myself, I'm also on the ROOTS program.  
5 I'm getting my teaching certificate. I don't know  
6 the language. That's kind of my disadvantage, but  
7 like for her -- the whole reason why, you know,  
8 I -- I am here to -- to build her character as a  
9 person is that she's -- she's very loyal, and  
10 she's very honest. She's very dependable. Those  
11 are the things that stand out to me when I -- when  
12 I see or talk with Caroline, and I respect her a  
13 lot. You know, not only from being a young girl,  
14 but the -- the changes and the things she's doing  
15 in the community, especially the language.

16           I mean, there's nothing more valuable, you  
17 know, in my heart than the language, and, you  
18 know, me hearing words here and there -- and I'm  
19 actually learning from my son, and she actually  
20 probably taught quite a few of my sons. They know  
21 way more language than I do, and I, you know --

22           Q.     (By Ms. Frenchman) I think I taught them  
23 all.

24           A.     Yeah, you probably did. And so that's  
25 what's valuable to me and what she instilled in me

*DARLA LAPOINTE - Direct (Frenchman)*

1 and my children, you know, learning that language.  
2 She wasn't their only teacher, but she was a part  
3 of that process with each grade that they went up.  
4 And so, like I said, I mean, I -- I really didn't  
5 know -- not that I would repeat it. You know, I'm  
6 not going to, but, you know, that was the first  
7 time that I've heard about that (indicating).

8           And I've encouraged her through the ROOTS  
9 when we first came down to Lincoln for our first  
10 class. You know, we sat there, and she has the  
11 skills and the ability. She has everything there.  
12 She just doesn't have that certificate. And so  
13 that's, you know, where -- where I stand on -- you  
14 know, with Caroline. And, you know, like I said,  
15 the respect for her and, you know, her abilities  
16 that she possesses, it just comes naturally for  
17 her. You know, some people, they -- they really  
18 have to try, and, you know, like I said, it --  
19 it's just something that -- that comes naturally  
20 for her.

21           HEARING OFFICER: Do you have any  
22 further questions?

23           MS. FRENCHMAN: No.

24           HEARING OFFICER: Do you have any  
25 questions?

*NANCY ENGEN-WEDIN - Direct (Frenchman)*

1 MR. HALSTEAD: I don't have any  
2 questions. Thank you.

3 HEARING OFFICER: Okay. And I take it  
4 the --

5 MS. FRENCHMAN: Nancy.

6 HEARING OFFICER: Nancy. And how do  
7 you pronounce your last name?

8 MS. ENGEN-WEDIN: Engen-Wedin.

9 HEARING OFFICER: Okay. Raise your  
10 right hand.

11 MS. ENGEN-WEDIN: (Complies.)

12 **NANCY ENGEN-WEDIN,**

13 called as a witness on behalf of Caroline Frenchman,  
14 having been first duly sworn,  
15 testified as follows:

16 HEARING OFFICER: Okay.

17 **DIRECT EXAMINATION**

18 BY MS. FRENCHMAN:

19 A. Do you want me to tell about myself?

20 Q. (By Ms. Frenchman) Yeah.

21 A. Okay.

22 Q. Could you? And how you know me.

23 A. Yeah. I'm Nancy Engen-Wedin. I -- I work  
24 at the University. I currently work at the  
25 University and am the project director for a  
federal grant. It's called the Indigenous Roots

*NANCY ENGEN-WEDIN - Direct (Frenchman)*

1 Teacher Education Program. I have -- that's a  
2 halftime job. I have a halftime job -- I work at  
3 the Lied Center in K-12 education; so my focus  
4 is --

5 HEARING OFFICER: Excuse me. By  
6 "University," you mean --

7 THE WITNESS: University of  
8 Nebraska-Lincoln.

9 HEARING OFFICER: Okay.

10 THE WITNESS: Yeah, yeah.

11 A. I'm going -- and I'm going to focus on the  
12 Indigenous Roots piece since that's what's related  
13 to this, and we have -- this program has -- we've  
14 been funded since 1999. Federal -- we've received  
15 federal grants, first, from the Office of English  
16 Language Acquisition and then a -- in the U.S.  
17 Department of Education, and the next two grants  
18 that UNL received that I received were through the  
19 Office of Indian Education at the U.S. Department  
20 of Education.

21 And so we have been recruiting and  
22 providing teacher -- you know, recruiting Native  
23 American teachers to teach in Native American --  
24 in Nebraska's Native American schools since 1999,  
25 for fourteen years or something like that.

*NANCY ENGEN-WEDIN - Direct (Frenchman)*

1 Fifteen, fourteen. And we -- we've had a -- a  
2 good success record of getting students through.  
3 Darla's sister was part of the program, Amy  
4 LaPointe. And we -- we really try to work with  
5 potential students in all the northeast Nebraska  
6 communities -- native communities, primarily,  
7 Santee, Winnebago, Walthill, Macy, and the tribal  
8 communities Omaha -- Omaha Nation, Ho-Chunk/  
9 Winnebago, and, of course, Santee.

10 So we have students in all the  
11 communities, and so we are recruiting students  
12 constantly for that program, and I say this  
13 because even before you applied for this round --

14 Q. (By Ms. Frenchman) Yeah, she was trying  
15 to recruit me.

16 A. -- Caroline's name rose to the top,  
17 obviously, because of the work that she had been  
18 doing in the community. Our recruitment process  
19 is really -- it involves both UNL faculty and  
20 community groups, groups within the community.  
21 Both groups look at all the students' applications  
22 when they apply. Both of these groups -- UNL  
23 faculty make sure the students have -- have met  
24 the requirements of UNL to be admitted. They have  
25 to have a certain GPA. They have to have a

*NANCY ENGEN-WEDIN - Direct (Frenchman)*

1 certain number of credits.

2 But, also, within the community, we have  
3 community members look at and review each  
4 applicant and really tell us "Is this" -- and the  
5 membership of that -- that community group is  
6 really quite diverse. It might be the Tribal  
7 Education Director. It's often the superintendent  
8 or a principal at the school; so it's a diverse  
9 cross section of people that are within that  
10 community.

11 And that's -- we had -- in -- in this --  
12 in the case of Caroline's application, it came  
13 through that community group and through the UNL  
14 faculty; so we were able to see -- and she was  
15 very open about -- her history. It was a part of  
16 her application, actually, where -- admitting --  
17 you kind of admitted you'd made some mistakes when  
18 you were younger. And -- and so -- but I had  
19 heard about Caroline and her connection and her --  
20 her potentially being a great teacher in Winnebago  
21 much before that application process of 2005, and  
22 so there were -- there were attempts to recruit  
23 her --

24 Q. Several.

25 A. -- to be part of this -- to be part of

*NANCY ENGEN-WEDIN - Direct (Frenchman)*

1 this program.

2 Q. Like every time I saw Nancy, she was like  
3 "Oh, you've got to apply."

4 HEARING OFFICER: Excuse me. One at a  
5 time.

6 MS. FRENCHMAN: Sorry.

7 A. So we are looking for -- when we recruit  
8 students, we're looking for people that have had a  
9 long experience working in schools, working with  
10 kids, collaborating with teachers, collaborating  
11 with other programs, and we're also looking for  
12 people that have great teaching characteristics.  
13 I mean, I supervise student teachers.

14 One of the things I look for is "Is the  
15 person" -- this is going to sound crazy, but "Do  
16 they like to have fun?" I mean, that's been  
17 known -- that's been shown to be a quality, and  
18 the -- probably the person who laughs most in this  
19 program is Caroline, you know. I -- I -- it  
20 really is a quality of teaching that's essential  
21 for a -- a good teacher. We look for people who  
22 are going to be good teachers. We also pair them  
23 with other people in the schools who are going to  
24 be good teachers.

25 So I -- I -- you know, we recruited

*NANCY ENGEN-WEDIN - Direct (Frenchman)*

1 Caroline to be part of this knowing these  
2 qualities and knowing some of the previous work  
3 she had done. She really was a student who met  
4 those qualifications; so that's -- I'm explaining  
5 my relationship.

6 Q. (By Ms. Frenchman) Okay.

7 A. I don't know if there's anything else.

8 Q. I don't -- I don't think so.

9 A. I -- I think, also, the qualities that we  
10 look for is somebody who has leadership,  
11 leadership within the community. You -- you have  
12 that. We look for people who are respected within  
13 the community. I mean, I -- I -- you really have  
14 a lot of those qualities that we're really looking  
15 for with applicants for -- and I've seen you take  
16 on -- when people are struggling with math, you  
17 take on and help everybody. It's a person who --  
18 who looks out for other people. That's another  
19 quality; so, anyway . . .

20 Q. Okay. I think that's --

21 A. I -- I -- this is -- that's my  
22 relationship, and I think I've probably known you  
23 personally for -- since maybe 2004.

24 Q. Yeah, yeah.

25 A. Something like that.

*NANCY ENGEN-WEDIN - Cross (Halstead)*

1 Q. Yeah, for conferences.

2 A. Uh-huh.

3 Q. And every time I see you -- no.

4 MS. FRENCHMAN: Okay. I think that's  
5 it.

6 HEARING OFFICER: Do you have any  
7 questions?

8 CROSS-EXAMINATION

9 BY MR. HALSTEAD:

10 Q. How many people are in the Indigenous  
11 Roots Program?

12 A. Currently?

13 Q. Yes.

14 A. This current one?

15 Q. Right.

16 A. There are -- let's see. There are  
17 eighteen. We -- we just got funded to do a  
18 master's program, and so Brenda mentioned that she  
19 was in the master's. She -- we have seven people  
20 for the first time in Nebraska getting master's  
21 degrees. We have eleven in the undergraduate  
22 postbac program; so they are students who are  
23 getting their bachelor's degrees or getting  
24 initial certification.

25 MS. FRENCHMAN: And she's already

*NANCY ENGEN-WEDIN - Cross (Halstead)*

1 recruiting me for the master's.

2 A. Yeah. It's -- it's eighteen in this  
3 group. We have -- we have thirty graduates.  
4 They're working all over. My former -- Jim  
5 Walter, the former dean -- associate dean in -- in  
6 teacher ed, has said that this is -- "We've tried  
7 this. We tried this." We tried this twenty years  
8 ago, and we had two graduates.

9 And the difference between what this  
10 program -- this program is taking the program to  
11 students in their communities; so, yeah, somebody  
12 may have talked about coming to Lincoln. They  
13 came to Lincoln once. They -- they take the  
14 courses online. They take them in face-to-face  
15 classes. We work it so it's this hybrid, and the  
16 students can remain and work in their communities,  
17 work in schools and work on their coursework in  
18 the communities in which they live.

19 So that's why we have thirty graduates and  
20 why it wasn't -- we tried -- before this we tried  
21 to bring students here, and -- and it's hard.  
22 When you're used to living in a community, it's  
23 hard to feel part of a community sometimes when  
24 you're not. That's my judgment, but -- so  
25 we've -- Nebraska for the first time has more

*NANCY ENGEN-WEDIN - Cross (Halstead)*

1 Native American -- I mean, it literally has more  
2 Native American teachers than ever, and it's a  
3 large part -- we've been trying to make this --  
4 make this headway, make this change.

5 And it's been -- it's really important.  
6 It's a really important thing because, as we've  
7 heard, there's a language lost, a culture. This  
8 program is -- does focus -- the students get an  
9 ESL certification or -- concentration or  
10 certification which is to help support the  
11 teaching of language, Ho-Chunk language or Omaha  
12 language or -- it's really geared towards  
13 supporting the language and culture that's in that  
14 community. So that's part of why we have that  
15 additional certification for everybody that's in  
16 this program.

17 So you -- you asked one question, and I  
18 just answered with lots of different answers.  
19 Sorry about that.

20 Q. (By Mr. Halstead) But you answered the  
21 question.

22 A. I did do that.

23 Q. Thank you.

24 MR. HALSTEAD: I don't have any more  
25 questions.

1 HEARING OFFICER: Do you have any  
2 further questions?

3 MS. FRENCHMAN: No.

4 HEARING OFFICER: Do you have any  
5 further testimony you want to give?

6 MS. FRENCHMAN: No.

7 HEARING OFFICER: Okay. Would you  
8 like to make a closing argument?

9 MR. HALSTEAD: Well, I think as the  
10 letter the Commissioner wrote when Caroline first  
11 asked, it was her extensive alcohol, drug offenses  
12 from the late '80s and early '90s that gave him  
13 pause. And the reason for having the hearing is  
14 the opportunity for you to see the applicant,  
15 along with her witnesses, and to get a better  
16 description of where she was and where she is now;  
17 so, in that regard, I'd just submit the case based  
18 on all the information you've gathered today.

19 HEARING OFFICER: Okay. Would you  
20 like to make a closing argument?

21 MS. FRENCHMAN: No.

22 HEARING OFFICER: Okay. Well, then --  
23 When is the next Education Board meeting?

24 MR. HALSTEAD: March 4th and 5th.

25 HEARING OFFICER: Okay. I don't know

1 if I'll make that. What I will do is -- I like to  
2 get the transcript first, but I will make  
3 recommended Findings of Fact and Conclusions of  
4 Law to the Commissioner, and then he actually  
5 makes the decision.

6 MS. FRENCHMAN: Okay.

7 HEARING OFFICER: No. To the Board.  
8 What am I saying? To the Board, and then it --  
9 the Board makes the decision.

10 MS. FRENCHMAN: Okay.

11 HEARING OFFICER: So it will be going  
12 to the Board of Education. And that's it. I --  
13 this will conclude the hearing.

14 (The proceedings concluded at 2:31 p.m.)  
15  
16  
17  
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21  
22  
23  
24  
25



STATE OF NEBRASKA  
**Office of the Attorney General**

2115 STATE CAPITOL BUILDING  
LINCOLN, NE 68509-8920  
(402) 471-2682  
TDD (402) 471-2682  
FAX (402) 471-3297 or (402) 471-4725

RECEIVED

JAN 18 2013

**Morris & Titus Law Firm**

**JON BRUNING**  
ATTORNEY GENERAL

**LESLIE S. DONLEY**  
ASSISTANT ATTORNEY GENERAL

January 17, 2013

Caroline Frenchman  
105 Walnut Street Box 688  
Winnebago, NE 68071

Brian L. Halstead  
Associate Commissioner/General Counsel  
Nebraska Department of Education  
301 Centennial Mall South, Sixth Floor  
Lincoln, NE 68509

RE: ***Frenchman v. Commissioner***, NDE Case # 12-15

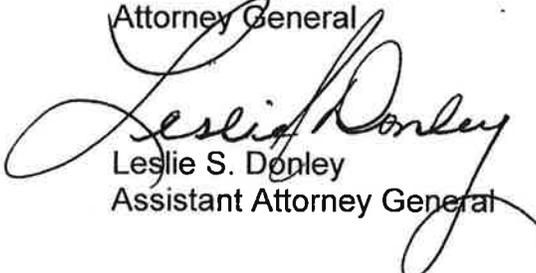
Dear Ms. Frenchman and Mr. Halstead:

The Nebraska State Board of Education has assigned the above-referenced contested case to a hearing officer for purposes of conducting a hearing and preparing a recommended final decision to the State Board. You already should have received a copy of the **Assignment of Case to Hearing Officer**. The hearing officer in this case is Jim R. Titus, 4645 Normal Blvd., #272, Lincoln, Nebraska, 68506, (402) 434-5203.

Future correspondence in this case should be addressed to Mr. Titus. A copy of such correspondence should also be provided to the other party. Mr. Titus will contact you regarding the setting of a hearing date for the case. The hearing will be conducted in accordance with Title 92, Nebraska Administrative Code, Chapter 61, which is the Nebraska Department of Education's regulation governing contested case proceedings. Any questions regarding this matter should be directed to Mr. Titus. The undersigned will serve as the State Board's legal counsel for this case.

Sincerely,

JON BRUNING  
Attorney General

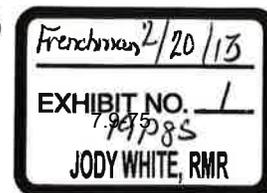
  
Leslie S. Donley  
Assistant Attorney General

cc: Jim R. Titus, Hearing Officer

49-933-30

04.09.13 State Board of Education

Printed with soy ink on recycled paper







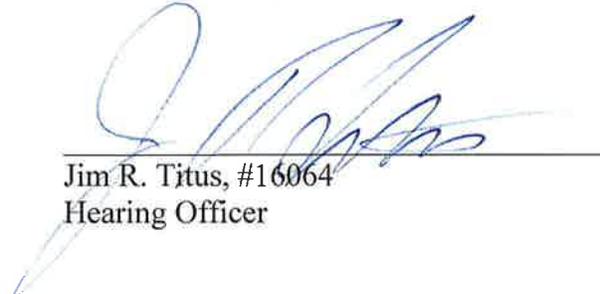
4645 Normal Blvd., Suite 272  
Lincoln, NE 68506  
(402) 434-5200 – phone  
(402) 434-5209 – fax  
[jtitus@morristituslaw.com](mailto:jtitus@morristituslaw.com)

CERTIFICATE OF SERVICE

I certify that on January 31, 2013, I served a true and correct copy of the foregoing Notice of Hearing by first-class United States mail, postage prepaid, on the following parties:

Brian L. Halstead  
Assistant Commissioner/General Counsel  
Nebraska Department of Education  
301 Centennial Mall South, 6<sup>th</sup> Floor  
P.O. Box 94933  
Lincoln, NE 68509-4933

Caroline Frenchman  
105 Walnut St., Box 688  
Winnebago, NE 68071



---

Jim R. Titus, #16064  
Hearing Officer

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Caroline Frenchman )  
105 Walnut Street Box 688 )  
Winnebago, NE 68071, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
Roger D. Breed, Ed.D. )  
Commissioner of Education )  
P.O. Box 94933 )  
Lincoln, NE 68509-4933, )  
 )  
Respondent. )

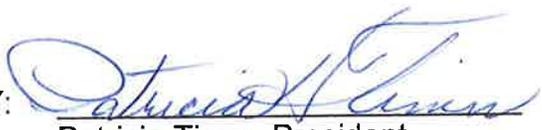
NDE Case No. 12-15

**ASSIGNMENT OF CASE  
TO HEARING OFFICER**

Pursuant to Title 92, *Nebraska Administrative Code*, Chapter 61, the State Board of Education ("State Board") hereby appoints Jim R. Titus as the Board's hearing officer in this case. The hearing officer shall conduct the hearing and submit proposed findings of fact, recommended conclusions of law, and a recommended decision to the State Board.

DATED this 11<sup>th</sup> day of January, 2013.

STATE BOARD OF EDUCATION

BY:   
Patricia Timm, President

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Assignment of Case to Hearing Officer was served upon Caroline Frenchman, 105 Walnut Street Box 688, Winnebago, Nebraska, 68071, via United States Mail, first class postage prepaid; and upon Brian L. Halstead, Assistant Commissioner/General Counsel, Nebraska Department of Education, 301 Centennial Mall South, Sixth Floor, Lincoln, Nebraska, via interoffice mail, all on this 14<sup>th</sup> day of January, 2013.

Brenda L. Wid

49-923-30

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Caroline C. Frenchman )  
105 Walnut Street Box 688 )  
Winnebago, NE 68071, )  
Petitioner, )

Case No. 12-15

ANSWER

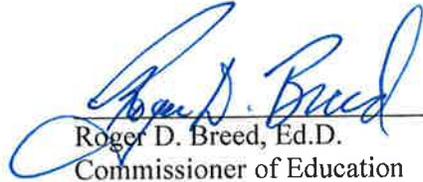
v. )

Roger D. Breed, Ed.D. )  
Commissioner of Education )  
P.O. Box 94933 )  
Lincoln, NE 68509, )  
Respondent. )

COMES NOW the Respondent, Roger D. Breed, and for his answer to the Petition of the Petitioner, admits, denies, and alleges as follows:

1. Admits paragraphs 1, 2, 4, and 6 of the Petition.
2. Denies paragraphs 3 and 5 of the Petition.

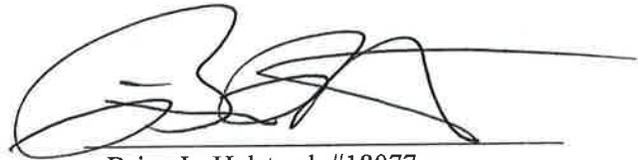
WHEREFORE, the Respondent requests that the State Board of Education appoint a hearing officer to hold a hearing on this matter, make a recommendation to the Board, and the Board take such action as may be warranted by the evidence at such hearing.

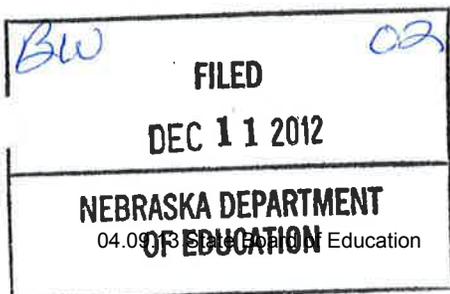
  
\_\_\_\_\_  
Roger D. Breed, Ed.D.  
Commissioner of Education

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Answer was mailed to the following person, through regular United States mail, postage prepaid, this 11 day of December 2012:

Caroline Frenchman  
105 Walnut Street Box 688  
Winnebago, NE 68071

  
\_\_\_\_\_  
Brian L. Halstead, #18077  
Attorney for Respondent



BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Caroline C. Frenchman )  
(Name) )  
105 Walnut St. Box 688 )  
(Address) )  
Winnebago, Nebraska 68071 )  
(City, State, and Zip Code) )

Case No. 12-15  
(Leave Blank)

Petitioner,

vs.

Roger D. Breed, Ed.D.  
Commissioner of Education  
P.O. Box 94933  
Lincoln, NE 68509,

Respondent.

PETITION FOR APPROVAL TO  
PARTICIPATE IN PRE-STUDENT  
TEACHING FIELD, LABORATORY,  
AND CLASSROOM EXPERIENCES  
OR STUDENT TEACH

The Petitioner, in accordance with Title 92, Chapter 61, of the *Nebraska Administrative Code*, states and alleges as follows:

1. The Petitioner is Caroline C. Frenchman 105 Walnut St. Box 688  
(Name) (Address)  
Winnebago, Ne 68071 402-878-2220 23 Nov 1963 9111  
(City, State, Zip Code) (Telephone Number) (Date of Birth) (Social Security Number)

2. The Petitioner is currently enrolled at Little Priest Tribal College anticipating  
(Name & Address of University or College)  
enrollment at UNL 2013 spring  
(Current status and anticipated date of participation in pre-student teaching activities)

3. The following is a list of all convictions:

a. Criminal Charge: DUI - 3rd offense  
Disposition: 5 yrs & R.T.F  
Date: Oct. 26, 1995

Name and address of court: Woodbury County, Iowa  
DUI - Woodbury County, Iowa  
1989

BW FILED 01  
NOV 26 2012  
NEBRASKA DEPARTMENT  
OF EDUCATION  
04.09.13 State Board of Education

b. Criminal charge: DUI - Plea agreement from Class III  
Disposition: 6 mo. probation felony to Class I Misdemeanor  
Date: July 20, 1992  
Name and address of court: Dakota County Dist. Court, Nebraska

4. The Petitioner's request for approval to participate in pre-student teaching field, laboratory, and classroom experiences, or student teach was denied by the Respondent on

November 5, 2012  
(Date on letter from Commissioner).

5. Other relevant data: Request for participation in the teaching field

6. Title 92, *Nebraska Administrative Code*, Chapter 20, Section 005.07B states: "A person with a conviction as defined in Section 005.07A shall not be allowed to participate in pre-student teaching field, laboratory, and classroom experiences or student teach, without approval by the Commissioner or the Board. A person with a conviction as defined in Section 005.07A may request approval by the Commissioner or the Board by using the procedures set forth in 92 NAC 21 Sections 009.02 through 009.04."

WHEREFORE, Petitioner requests that the State Board of Education approve that the Petitioner be allowed to participate as provided under Title 92, Chapter 20, of the *Nebraska Administrative Code*. Petitioner grants permission for the Nebraska Department of Education to obtain and review all criminal records maintained by any law enforcement agency regarding the Petitioner.

Dated this 16 day of November, 2012.

Caroline C. Aronchman  
Signature of Petitioner





Roger D. Breed, Ed.D., Commissioner  
Scott Swisher, Ed.D., Deputy Commissioner

301 Centennial Mall South    Tel: (402) 471-2295  
PO Box 94987    Fax: (402) 471-0117  
Lincoln, NE 68509-4987    Web: www.education.ne.gov

**CERTIFIED MAIL**

November 5, 2012

Ms. Caroline Frenchman  
Box 688  
Winnebago, NE 68071

Re: Request for Approval to Participate

Dear Ms. Frenchman:

I have received your Request for Approval to Participate in Pre-Student Teaching Field, Laboratory, and Classroom Experiences or Student Teach.

In reviewing the information, I have decided to deny your request based on the following determinations: 1) On October 26, 1995, you were found guilty by the Iowa District Court of Woodbury County, Iowa, of DUI-3<sup>rd</sup> Offense, a felony, and sentenced to five years' incarceration and a Residential Treatment Program; 2) You reported a 1989 Driving Under the Influence conviction from Woodbury County, Iowa; 3) On July 20, 1992, in the Dakota County District Court, Nebraska, you were found guilty of, pursuant to a plea agreement, Driving Under the Influence, for which you were sentenced to six months of probation, and Criminal Attempt of Possession of Alparazolam, a Class I Misdemeanor, and sentenced to 18 months' probation; 4) Your conviction for Criminal Attempt of Possession of Alparazolam was originally charged as Possession With Intent to Deliver Marijuana, a Class III Felony; and 5) Although you have submitted several letters of support and not had any further criminal convictions, the seriousness and extent of your previous criminal history warrant a hearing on your eligibility for Pre-Student Teaching Field, Laboratory, and Classroom Experiences or Student Teach.

You may appeal my decision within twenty (20) days after receipt of this letter by filing a petition with the State Board of Education using the procedures set forth in 92 Nebraska Administrative Code, Chapter 21, Section 009.03, and Title 92, *Nebraska Administrative Code*, Chapter 61. Copies of these rules are enclosed.

If you have any questions, please feel free to contact Brian Halstead, General Counsel, at 402-471-0732.

Sincerely,

Roger D. Breed, Ed.D.  
Commissioner of Education  
Enclosures  
xc: UNL

28 August 2012

Dear Honorable Education Commissioner Dr. Roger Breed,

I write this letter to humbly ask for your consideration to allow me the opportunity to receive my teaching certification within the State of Nebraska. I have a felony on my record from a third offense drunk driving charge I received in the State of Iowa. This charge was 17 years ago and I served approximately 18 months in jail and a residential treatment facility, I also put myself into a 3 year outpatient treatment program. I realized it was the lifestyle I was living. I have turned my life around and dealt with the issues that caused me to live that lifestyle. Since that time I have not been in any kind of trouble with the law. I have completely turned my life around with the tools I learned in treatment. I continue to use those tools when things in my life come up; I am very grateful to have gained the knowledge I did while in the program. That time in my life was a very self-destructive time. I am grateful that I never hurt anyone while driving under the influence, because as many people know that is a reality many families have to cope with daily, I am one of the fortunate ones, I was caught before anything like that happened.

On August 15<sup>th</sup> I had a meeting with the Indigenous ROOTS Teacher Training Program Director, Nancy Engen-Wedin, Dr. Tom Wandzilak, and Dave Van Horn, during our discussion they encouraged me to send this appeal to you. I have asked a couple of colleagues for character reference letters and copies of these are here with my plea. I do not have any reservations about talking about my past, it is something that I am not very proud of but it has helped me to become the person I am today.

I have been teaching and learning my HoChunk Language within the community since approximately August of 1997. In May of 2003 the tribe saw the need to implement our Tribal Language Program and I have been an employed with the program since the it's inception. In 2005 was also bestowed the honor of replacing my grandmother in the medicine lodge which is our traditional HoChunk religion. The week-long ceremony that is held is considered my rebirth into a new life. I have been very proud and honored to hold this seat among my people and learn everything I have so far. It is the teachings that creator gave to my people at the beginning of this world's creation. These teachings are part of what I try to instill in the students that I teach here in the community.

So in conclusion I once again humbly ask for your consideration to be allowed to continue working towards my certification in our great State of Nebraska. Please feel free to contact me or my character references if you have any questions or require more input for your consideration. Dan Fehringer is the Superintendent at our Public School 402-878-2224 and Brenda Murphy is a teacher at St. Augustine's Indian Mission School 402-878-2291. My home phone is 402-878-2220. Thank you for your time concerning this matter.

Respectfully,

A handwritten signature in cursive script that reads "Caroline C. Frenchman". The signature is written in black ink and is positioned above the printed name.

Caroline C. Frenchman

BEFORE THE COMMISSIONER OF EDUCATION  
STATE OF NEBRASKA

IN THE MATTER OF:

Caroline C. Frenchman  
(Name)

105 Walnut St. Box 688  
(Address)

Winnebago, Nebraska 68071  
(City) State, and Zip Code

Applicant.

Case No. \_\_\_\_\_  
(Leave Blank)

REQUEST FOR APPROVAL TO  
PARTICIPATE IN PRE-STUDENT  
TEACHING FIELD, LABORATORY,  
AND CLASSROOM EXPERIENCES  
OR STUDENT TEACH

The Applicant, in accordance with Title 92, Chapter 21, Section 009.02 of the *Nebraska Administrative Code*, states and alleges as follows:

1. The Applicant Caroline C. Frenchman 105 Walnut St. Box 688  
(Name) (Address)

Winnebago, Nebraska 68071 402-878-2220 23 NOV. 1963  
(City, State, Zip Code) (Telephone Number) (Date of Birth) (Social Security Number)

9111

2. The Applicant is currently enrolled at \_\_\_\_\_  
(Name & Address of University or College)

(Current status and anticipated date of participation in pre-student teaching activities)

3. The following is a list of all prior convictions:

a. Criminal offense: DUI - 3<sup>rd</sup> offense, Felony  
Disposition: 5 yrs prison/Residential Treatment Program Date: 18 Oct. 1995  
\$1500.00 fine & costs  
Name and address of court: Woodbury County Courthouse  
Sioux City, Iowa 51103

b. Criminal offense: Driving while suspended/revoked (Misdemeanor)  
Disposition: 5 days jail Date: 3-4-1991  
Name and address of court: Woodbury County Courthouse  
Sioux City, Iowa 51103

c. please see attached copy of background check.

4. Other relevant data: OWI (Misdemeanor) 1<sup>st</sup> offense  
575.00 fine + costs 8.1.1989

5. Title 92, *Nebraska Administrative Code*, Chapter 20, Section 005.07B states: "A person with a conviction as defined in Section 005.07A shall not be allowed to participate in pre-student teaching field, laboratory, and classroom experiences or student teach, without approval by the Commissioner or the Board. A person with a conviction as defined in Section 005.07A may request approval by the Commissioner or the Board by using the procedures set forth in 92 NAC 21 Sections 009.02 through 009.04."

WHEREFORE, Applicant requests that the Commissioner of Education approve that the Applicant be allowed to participate as provided under Title 92, Chapter 20, of the *Nebraska Administrative Code*. Applicant grants permission for the Commissioner of Education to obtain and review all criminal records maintained by any criminal justice agency regarding the Applicant.

Dated this 27 day of Sept., 2012.

Caroline C. Frenchman  
Signature of Applicant

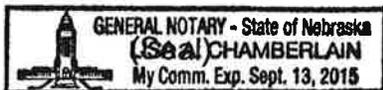
VERIFICATION

STATE OF Nebraska  
COUNTY OF Thurston) SS

I, Caroline C. Frenchman, being first duly sworn under oath, state that I have read the contents of the request and that to the best of my knowledge, information, and belief such contents are true and there is reasonable cause for filing said request.

Caroline C. Frenchman  
Signature of Applicant

Subscribed and sworn before me this 27<sup>th</sup> day of September, 2012, by  
Caroline Frenchman



Linda Q. Chamberlain  
Notary Public

# WINNEBAGO PUBLIC SCHOOLS

P.O. Box KK, Highway 77 & 75

Winnebago, Nebraska 68071

Phone (402) 878-2224 Fax (402) 878-2472

Date: 8/17/12

To: Dr. Roger Breed, Commissioner of Education

From: Dan Fehringer, Superintendent

Re: Caroline Frenchman

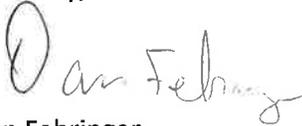
Dr. Breed:

I am writing this letter as a character reference for Caroline. I have known Caroline for thirteen years as a colleague and friend. During this time Caroline has worked as the Hochunk Language Teacher in the school and other educational entities in Winnebago, educating children in HoChunk Language and Culture. She is diligent and dependable when it comes to ensuring that the young children have the opportunity to grow within their culture. She constantly promotes the language and culture by incorporating activities learned at conferences and trainings related to Native American children.

During the thirteen years I have known Caroline; I have not heard of or seen any inappropriate behaviors that constitute Caroline not becoming a certified educator. As the landlord of housing owned by the school district I was comfortable renting an apartment to Caroline. She keeps it in excellent condition. She is friendly and has a deep seeded love for her people especially regarding language and culture.

I recommend that Caroline be given the opportunity to become a certified educator in the State of Nebraska.

Sincerely,



Dan Fehringer

Date: August 21, 2012

To: Dr. Roger Breed, Commissioner of Education

From: Brenda Murphy, Middle school Science and Social studies teacher

Re: Caroline Frenchman

Dear Dr. Breed:

Caroline is a dedicated and very talented teacher that I have had the honor of working with for 15 years. I believe that attaining full certification would allow her not only to fulfill a dream, but also provide the children of Winnebago, and Nebraska, with a fluent HoChunk speaking classroom teacher – something that currently is unavailable and much needed.

Caroline and I met when I was a Head Start teacher for the Winnebago tribe and she was hired as my aide. She immediately showed interest in learning all I knew so she would be able to rise to any challenge that presented itself. Right from the start she was hard-working, dedicated, and responsible. When a new Title VII bilingual grant program was started we both were brought on board as teachers, working with preschool and early elementary school children as part of a literacy and HoChunk Language outreach project. Again she excelled and was a devoted peer despite the lack of formal teacher training. She took on additional duties, such as handling the grant budget and writing federal reports. When the grant ended we both were hired by HoChunk Renaissance to help preserve the language through a master/apprentice teaching model pairing fluent speakers with apprentices with teaching skills. Caroline quickly rose through the ranks to be able to teach as a fluent speaker. Along the way I completed my certification and Caroline began working on attaining hers. She took classes at Little Priest Tribal College and after graduation applied to the Indigenous Roots Program through UNL to receive her BA and teaching credentials. As you can see, she has always been a teacher and all that was missing was to be recognized as such and receive the full certification she justly deserves.

Winnebago has not had a fluent HoChunk speaking certified classroom teacher in a long time, especially one dedicated to the community as she is and has been. Bringing the language and culture to the children of Winnebago is not a luxury it is essential in preserving an identity and heritage central to the esteem of the people. It is proven that tribal children do better in all academics when the heritage language is promoted along with the dominant language (bilingual education). Caroline will be the only teacher who can fully fill this position when she receives full certification and her classroom will be a role model for others. She will also provide mentoring for other teachers and/or fluent speakers wishing to accomplish this goal for the tribe. Her talents and skills are desperately needed and the opportunity to gain full certification would benefit all the children she has worked with for these 15 years.

Caroline started out as my teacher aide and over the years of working closely with her we became friends and now sisters. We have shared a lot and I am aware of the mistakes she made before I knew her, ones she had risen above in an effort to follow her dream of becoming a teacher. She is a respected

veteran, traditional medicine lodge member, brilliant HoChunk language teacher, and selfless community volunteer. Her students love her and thrive under her tutelage. She has never been anything but a responsible individual in all the years I have known her. Please provide her the opportunity she has worked so very hard to earn.

If you have any questions please feel free to contact me directly.

Sincerely,

A handwritten signature in black ink that reads "Brenda Murphy". The signature is written in a cursive style with a large, looping initial "B".

Brenda Murphy

Email: [tejawiga@gmail.com](mailto:tejawiga@gmail.com)

Work: St. Augustines Indian Mission – 402.878.2291

Home: 402.863.2219

Friday, October 19, 2012

COLLEGE OF EDUCATION AND HUMAN SCIENCES  
Department of Teaching, Learning and Teacher Education

Dear Dr. Breed,

I am writing this letter to support Caroline Frenchman. Ms. Frenchman has applied to participate in the Indigenous Roots Teacher Education Program (ROOTS) offered through the Department of Teaching, Learning and Teacher Education at the University of Nebraska Lincoln. As you may remember, this federal grant program was recently funded (November, 2011) and we have currently accepted 18-plus undergraduate and graduate students to participate. You and the Nebraska Department of Education have supported the ROOTS Program since its early beginnings in 1999.

I have known Caroline Frenchman from previous work in the Winnebago education community, and her name has always risen to the top as a potential candidate for ROOTS. This is probably because of her extensive experience working with K-12 students enrolled in area schools, where she served as a teacher-apprentice with the Ho-Chunk Language and Culture program for over a decade. Ms. Frenchman also serves her community as a volunteer – as a board member for Little Priest Tribal College, as a role model in youth programs, etc.

Ms. Frenchman's interest and application materials for the ROOTS program were reviewed by a committee involving seven individuals from Winnebago. Reviewers included school district and post-secondary administrators (Winnebago Public Schools and Little Priest Tribal College), former ROOTS graduates/practicing teachers and administrators, classroom teachers and community members. In addition, UNL faculty in the Department of Teaching, Learning and Teacher Education, served as reviewers and approved her potential enrollment as a participant. Because of her previous Felony conviction, Ms. Frenchman is now seeking approval to participate in the ROOTS program and to become a certified teacher. She has been open regarding the felony charges that she received 17 years ago. She publicly notes that this experience, and her recovery, has changed her life, and she has been humbled by the struggles and challenges since.

As a certified teacher Ms. Frenchman will serve as a role model for the students enrolled in the school and living in the community. She will speak first-hand about the choices she has made in her life and how she has turned her life around. I believe that these life experiences can only enhance her ability to serve the students in her community as a certified teacher.

Enclosed in this envelope are the materials that Ms. Frenchman has constructed to request your approval to participate in the ROOTS program, including pre-student teaching field, laboratory, and classroom experiences (or to student teach).

Please do not hesitate to contact me at 402-472-3856 or [nengenwedin2@unl.edu](mailto:nengenwedin2@unl.edu) if you have any questions regarding Ms. Frenchman's request.

Sincerely,



Nancy Engen-Wedin, Project Director  
Indigenous Roots Teacher Education Program

**NEBRASKA DEPARTMENT  
OF EDUCATION**

# **RULE 20**

**REGULATIONS FOR THE APPROVAL OF  
TEACHER EDUCATION PROGRAMS**

**TITLE 92, NEBRASKA ADMINISTRATIVE CODE,  
CHAPTER 20**

**EFFECTIVE DATE  
JANUARY 19, 2008  
(REVISED)**

**State of Nebraska  
Department of Education  
301 Centennial Mall South  
Lincoln, Nebraska 68509  
Douglas D. Christensen, Ph.D.  
Commissioner**



*Frenchman 2/20/13*  
**EXHIBIT NO. 2**  
7.9-94  
**JODY WHITE, RMR**

NEBRASKA DEPARTMENT  
OF EDUCATION

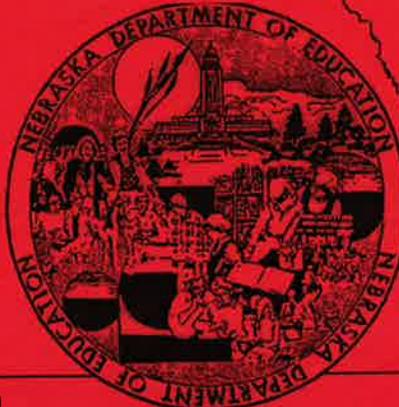
# RULE 61

RULES OF PRACTICE AND PROCEDURE FOR HEARINGS IN  
CONTESTED CASES BEFORE THE DEPARTMENT

TITLE 92, NEBRASKA ADMINISTRATIVE CODE,  
CHAPTER 61

EFFECTIVE DATE  
OCTOBER 1, 1997  
(REVISED)

State of Nebraska  
Department of Education  
301 Centennial Mall South  
Lincoln, Nebraska 68509



<i>Frenchman 2/20/13</i>
EXHIBIT NO. <u>3</u>
7.9-95
JODY WHITE, RMR

CERTIFICATE OF TRANSCRIPT

IN THE COUNTY COURT OF DAKOTA COUNTY, NEBRASKA

*Case No. 52-266*  
CASE NO. CR92-345

THE STATE OF NEBRASKA,

\*

Plaintiff,

\*

vs.

\*

CAROLINE FRENCHMAN,

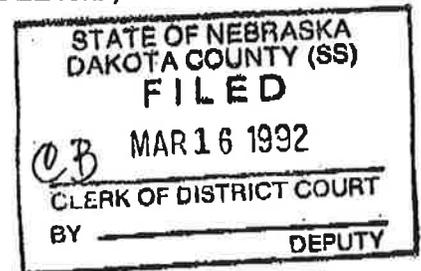
\*

Defendant.

\*

CERTIFICATE OF TRANSCRIPT

(FELONY)



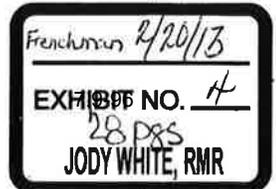
I, Virginia A. Piper, Clerk of the Dakota County Court, certify that I have attached to this certificate the original record of this case; that it is correct and the complete original record; that I have had the legal custody and control of the original record; that this court is a court of record, has a seal and the seal is affixed; and that the foregoing attestation is correct, according to the laws of the State of Nebraska.

I certify the following costs which ( ) have (X) have not been paid

Filing Fee	\$ 18.00	Sheriff Service Fees	\$None	Other	\$None
LEIF	\$ 2.00	Witness Fees	\$None	Other	\$None
Judges Ret.	\$ 1.00	Transcript Fees	\$None		
		Bill Of Exceptions	\$None	TOTAL	\$21.00

DATE: 3-13-92

BY THE COURT: Virginia A. Piper  
CLERK MAGISTRATE





IN THE COUNTY COURT OF DAKOTA COUNTY, NEBRASKA (Rev. 11-4-91)

THE STATE OF NEBRASKA,

CASE NO. CR92-345

Plaintiff, vs.

JOURNAL ENTRY (First Appearance Felony Arraignment)

CAROLINE FRENCHMAN, [redacted] Box 610 Winnebago, NE Defendant.

FEB 1 92

Possession of marijuana with intent to deliver

On the 11th day of February, 1992, this matter came on for First Appearance Felony Arraignment. Defendant appeared (X) without counsel; ( ) with his/her counsel, State was represented by Michael Schmiedt/Laura Knox (Deputy) County Attorney. Defendant was advised as follows:

- (X) Complaint identified: Charges read: Possible Penalties. (X) Defendant understood charges and possible penalties. (X) Defendant must understand all of the constitutional rights. (X) No determination of guilt or innocence at this hearing. (X) Right to bail. (X) Right to attorney. (X) Right to talk to attorney, family and friends. (X) Right to Preliminary Hearing explained. ( ) Court Finds that there was probable cause for the arrest of the defendant and the defendant is committed back to the custody of the County Sheriff, subject to the bond conditions herein set forth.

Defendant requested (court appointed) counsel and [handwritten: Martin Cahill will be appointed if qualified] was appointed. Appearance bond set at \$50,000. Preliminary hearing set for March 11, 1992, at 9:00 o'clock a.m. fully secured with 10% provisions.

Other: Bond covers misdemeanor cases

FOUND AND ORDERED as above set forth.

BY THE COURT:



Virginia A. Piser COUNTY JUDGE / CLERK MAGISTRATE

The undersigned certifies that a copy of this journal entry was served upon all parties to the above cause by depositing a copy thereof in the U.S. Mail, postage prepaid, in envelopes addressed to each of the parties herein at their respective addresses disclosed on the pleading. 2-13-92 [signature]

cc: County Attorney M. Cahill

STATE OF NEBRASKA  
FORM NO. 6:1 7/83 new

# Financial Affidavit and Order Appointing Counsel

CASE NUMBER  
CR92-342,343  
344 + 345

ec. 29-1804.13 R.R.S. 1943

IN THE COUNTY COURT OF DAKOTA COUNTY, NEBRASKA

STATE OF NEBRASKA

Plaintiff FB 1 1 92

vs.

CAROLINE C. FRENCHMAN  
Defendant

## Financial Affidavit and Order Appointing Counsel

I swear that I am unable to procure counsel to represent me in this proceeding. I request the Court to appoint counsel to represent me in this matter and submit the following financial statement:

I. Employer Bob's highhouse Address W. 16th & Center  
Length of employment 18 yrs. If unemployed, state any reason, physical or otherwise why you cannot be employed

If unemployed, when were you last employed?

II. Income (Monthly)	Self	Spouse
A. Wages	\$ <u>100.00 mo.</u>	\$ <u>0</u>
B. Welfare	\$ <u>0</u>	\$ <u>0</u>
C. Unemployment	\$ <u>0</u>	\$ <u>0</u>
D. Parents	\$ <u>0</u>	\$ <u>0</u>
E. Other	\$ <u>0</u>	\$ <u>0</u>

III. Family Assets			
A. Cash on Hand	\$ <u>50.00</u>	F. Rentals	\$ <u>0</u>
B. Bank Accounts	\$ <u>0</u>	G. Tools	\$ <u>0</u>
C. Automobiles	\$ <u>\$300.00</u>	H. Equipment	\$ <u>0</u>
D. Real Estate	\$ <u>0</u>	I. Jewelry	\$ <u>0</u>
E. Securities, Stocks, Bonds	\$ <u>0</u>	J. Other	\$ <u>0</u>

IV. Marital Status | Single | Married  Divorced | Widowed

Name of Spouse GNA

Number of children you are supporting and their ages 0

V. Debts	Monthly Expenses
A. \$ <u>0</u>	A. \$ <u>0</u>
B. \$ <u>0</u>	B. \$ <u>0</u>
C. \$ <u>0</u>	C. \$ <u>0</u>
D. \$ <u>0</u>	D. \$ <u>0</u>

VI. Education Completed

I swear, or affirm, under the penalty of perjury, that the foregoing financial affidavit is true. I realize that I may be required to repay the County its costs in providing an attorney. Also, my interpreter, fully explained all the above items to me.

DATE: 2-11-92 DEFENDANT: Caroline C. Frenchman

ADDRESS: P.O. Box 1010 Winnebago, Neb. PHONE: 878-2884 B: [REDACTED]

DATE: \_\_\_\_\_ SUBSCRIBED AND SWORN TO BEFORE ME: \_\_\_\_\_

### ORDER

On the basis of the foregoing financial affidavit the application is  Approved | Denied.  
Martin Cahill is appointed to represent said defendant in all proceedings relating to the above matter unless otherwise relieved by the Court. It is so ordered.

04.09.13 State Board of Education  
DATE: 2-11-92

BY THE COURT:

Virginia A. Popen  
CLERK

7.9-99



DISTRICT COUNTY JUDGES

Rodney R. Smith  
Dakota City, NE  
Paul R. Robinson  
Harlington, NE



CLERK MAGISTRATES

Virginia A. Piper  
Dakota County  
Jan Backman  
Dixon County  
Alice Mahood  
Cedar County  
Betty Brundum  
Thurston County

February 11, 1992

TO: Martin Cahill \_\_\_\_\_  
Public Defender  
Dakota County Courthouse\_\_\_\_  
Dakota City, NE. 68731\_\_\_\_\_

RE: COURT APPOINTMENT

You have been appointed to represent the following defendant:

State vs. Caroline Frenchman\_\_\_\_\_

Case Nos. CR92-342, 343, 344 & 345\_\_\_\_\_

- Trial is set for MARCH 11, 1992 at 9:00 A.M.
- Preliminary hearing is set for MARCH 11, 1992 at 9:00 a.m.
- Copies of complaints are attached.
- Copies transmitted herewith by FAX.
- Defendant has posted bond.
- Defendant has not posted bond and is in the custody of the:
  - Dakota County Sheriff
  - Wayne Juvenile Detention Center

*Virginia A. Piper*  
CLERK MAGISTRATE

CC: DAKOTA COUNTY ATTORNEY'S OFFICE  
Def. - c/o county jail

IN THE COUNTY COURT OF DAKOTA COUNTY, NEBRASKA  
IN AND FOR THE EIGHTH JUDICIAL DISTRICT

FILED 11.13.92  
w.p.

STATE OF NEBRASKA,	)	
	)	
Plaintiff,	)	CASE NO. CR92-342, 343,
	)	344 & 345
v.	)	
Caroline Frenchman,	)	MOTION FOR BOND REVIEW
Defendant.	)	

The defendant, through her attorney, Martin G. Cahill, Dakota County Public Defender, moves the Court to review the defendant's bond.

Caroline Frenchman, Defendant

BY: Martin G. Cahill  
Martin G. Cahill, 16742  
Dakota County Public Defender  
P.O. Box 574  
Dakota City, Nebraska 68731  
(402) 987-2139

ORDER

This matter has been set for hearing on the 20 day of February, 1992, at 11:30 o'clock A.m.

Virginia A. Peden  
COUNTY JUDGE  
CLERK MAGISTRATE

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on February 13, 1992.

By:  U.S. Mail  FAX  
 Hand Delivered  Overnight Courier  
 Federal Express  Other

Signature [Signature]

IN THE COUNTY COURT OF DAKOTA COUNTY, NEBRASKA

THE STATE OF NEBRASKA,  
Plaintiff,

-v-

CAROLINE FRENCHMAN,  
Defendant.

FILED  
State of Nebraska  
County  
FEB 14 92

CASE NO. CR92-342 to 345

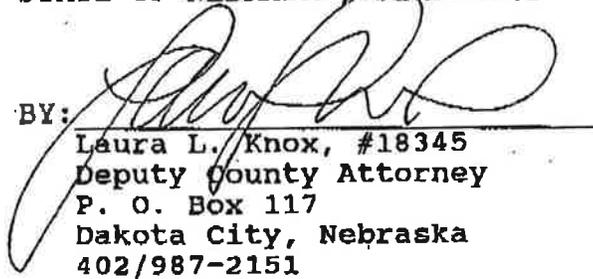
RESISTANCE TO DEFENDANT'S  
MOTION FOR REVIEW AND  
REDUCTION OF BAIL

COMES NOW the Plaintiff, State of Nebraska, by and through  
Laura L. Knox, Deputy County Attorney of Dakota County, Nebraska,  
and does herein state its general resistance to Defendant's motion  
for bond review.

WHEREFORE, the State requests that the County Court of Dakota  
County, Nebraska, overrule Defendant's motion.

STATE OF NEBRASKA, Plaintiff

BY:

  
\_\_\_\_\_  
Laura L. Knox, #18345  
Deputy County Attorney  
P. O. Box 117  
Dakota City, Nebraska  
402/987-2151

CERTIFICATE OF SERVICE

On this 13 day of February,  
1992, the above was served on the  
attorney of record for all adverse  
parties by placing copy or copies  
thereof duly addressed and postage  
prepaid in the United States Mail.

Tracy Esler M. Cahill  
te

STATE OF NEBRASKA  
FORM NO. 13:1 6/89 rev.

CASE NUMBER

# Appearance Bond

§ 29-901 R.R.S. 1943

IN THE COUNTY COURT OF DAKOTA

COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

Plaintiff

FEB 21 92

VS.

# Appearance Bond

CAROLINE C. FRENCHMAN

Defendant

I acknowledge that I've been charged with the offense of DUS, NO OP LIC., NO VALID REG, POSS OF CONTROLLED SUBSTANCE, POSS WITH INTENT TO DELIVER

and in consideration of my release from custody agree to appear in the County Court of said County on MARCH 11 :992, at 9:00 A M. and thereafter as directed by the Court, to answer the charges against me. In the event that the offense charged is a felony, and I am bound over to the District Court upon preliminary hearing, I further agree to appear in the District Court of said County forthwith or as so ordered, which court shall then have jurisdiction. I further agree to appear in the District Court thereafter as directed by the Court. Further conditions of this bond are:

I understand that failure to appear as required by the Court may cause a warrant for my arrest to be issued, and that further penalties may be imposed upon me, including forfeiture of this bond or bail, for willful failure to appear or for violation of any condition of this agreement upon which I am released. To guarantee my appearance, I do hereby acknowledge myself to be indebted to the State of Nebraska in the sum of \$ 50,000 which sum is hereby secured as follows:

- PERSONAL RECOGNIZANCE in the sum of \$ \_\_\_\_\_
- CASH: In lieu of surety or sureties, the defendant deposits cash bond to secure his appearance and conditions made therein in the sum of \$ \_\_\_\_\_
- 10% BOND: Bond set in the amount of \$ \_\_\_\_\_, 10% of said amount or \$ \_\_\_\_\_ (not less than \$25) deposited herewith in cash, 90% of which shall be returned to the defendant upon appearance as required above and 10% of which shall be retained by the Clerk for bond costs.
- CORPORATE SURETY: In the sum of \$ \_\_\_\_\_ Attached hereto.
- SURETY: The undersigned (surety) (sureties) do hereby acknowledge themselves to be bound as (surety) (sureties) of the defendant on the above appearance bond in the sum of \$ 50,000 with all conditions thereto.

DATE: 02-20-92

DEFENDANT'S SIGNATURE: Caroline C. Frenchman

DEFENDANT'S ADDRESS: BOX 610 WINNEBAGO, NE

DATE: 02-20-92

SURETY: Theresa Rice

DATE: 02-20-92

WITNESS: 97012/LAMB

DATE:

APPROVED BY THE COURT:

(Seal)

WAIVER OF EXTRADITION

STATE OF NEBRASKA )  
 )  
 )ss  
 )  
COUNTY OF DAKOTA )

RE: State of Nebraska, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CAROLINE FRENCHMAN )  
 )  
 [REDACTED] )  
 )  
 Defendant.)

CASE NO.: TYPE OF CHARGE:  
CR 92 - 342 NO VALID REG., DUS  
CR 92 - 343 NO OP LIC. DUI  
CR 92 - 344 POSS. OF DRUG PARAPH.  
POSS. OF CONTROLLED SUBSTANCE  
CR92-345 POSS. WITH INTENT TO DELIVER

I, CAROLINE FRENCHMAN, the above named defendant, being first duly sworn upon oath depose and say that I realize that I am presently incarcerated in the County Jail of Dakota County, Nebraska, and charged and being held for the crimes indicated above. That in consideration of being released today from the Dakota County Jail on bail, and my next hearing being scheduled before the Dakota County Court on the 11 day of MARCH, 1992, at 9:00 o'clock A.m., I do hereby unconditionally agree to return to the Dakota County Jail or before the Dakota County Court on said last mentioned date and time; and I hereby waive extradition to the State of Nebraska from any state, place or country should I fail to so appear.

Caroline C Frenchman  
Defendant

Subscribed in my presence and sworn to before me this 20th day of February, 1992.



# Inmate Request Form

Inmate's Name CAROLINE C. FRENCHMAN Date of Request 2-20-92

Medical     Commissary Order     Grievance     Other Services

Nature of Request I would like to know if I could please  
be released long enough to attend Native American Church  
wake services, for my aunt Viola Walker's funeral.  
The prayers/wakeing will begin at 9pm Saturday night  
and last until sunrise Sunday morning. Her burial  
is at 2pm Sunday. Thank you,

Caroline C. Frenchman  
INMATE'S SIGNATURE

Action taken to Respond to Request \_\_\_\_\_

DUS-  
No Oper - 50,000.<sup>00</sup>  
Pass Money

She has been released on bond.

Redmy R. Smith  
STAFF SIGNATURE Co. Judge



2-20-92  
DATE

IN THE COUNTY COURT OF DAKOTA COUNTY, NEBRASKA

THE STATE OF NEBRASKA,  
Plaintiff,

VS.

CAROLINE FRENCHMAN,  
Defendant.

\*  
\*  
\*  
\*

CASE NO. CR92-342, 343,  
344 and 345

O R D E R

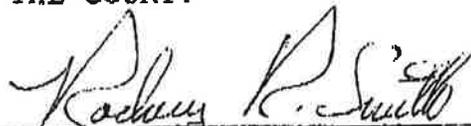
FEB. 20 92

NOW, to wit, on this 20th day of February, 1992, this matter came on upon the Motion For Bond Review filed by the defendant in this matter. The State of Nebraska was represented by Laura Knox, Deputy County Attorney and the defendant was present in court in person with Martin Cahill, Public Defender.

The Court, after hearing testimony and arguments of counsel; and, after applying the evidence and testimony to the criteria set forth in Sections 29-901.01 and 29-901.03 R.R.S. Nebr. 1943, as amended, FINDS that in order to insure the appearance of the defendant at subsequent hearing scheduled herein, the principle amount of the present bond now in effect should remain unchanged at \$50,000.00 covering all four cases; HOWEVER, the Court allows bond changed to personal recognizance guaranteed by defendant's mother including the condition that defendant must waive extradition. The Court FURTHER FINDS that the trials and preliminary hearing in the above-entitled cases are set for March 11, 1992 at 9:00 a.m., and,

IT IS SO ORDERED.

BY THE COURT:

  
\_\_\_\_\_  
RODNEY R. SMITH, COUNTY JUDGE

U.S. District Court  
all copies of records should be filed  
2-26 92

cc: Dakota County Attorney's Office - personally  
04.09.13 State Board of Education  
Dakota County Public Defender's Office - personally

IN THE COUNTY COURT OF DAKOTA COUNTY, NEBRASKA  
IN AND FOR THE EIGHTH JUDICIAL DISTRICT

MAR 09 92

STATE OF NEBRASKA,	)	
Plaintiff,	)	CASE NOS. CR92-342, 343,
v.	)	344 & 345
Caroline Frenchman,	)	MOTION FOR RETURN OF
Defendant.	)	SEIZED PROPERTY

COMES NOW the Defendant, by and through her attorney, Martin G. Cahill, Dakota County Public Defender, and moves the court for an Order directing that the property heretofore seized from the Defendant be returned to the Defendant. Said property is as follows:

1. Small amount of sacred tobacco taken from defendant's purse.
2. Nebraska Operators license #H12052771 issued to defendant of December 31, 1991 and to expire on November 23, 1995.

WHEREFORE, the Defendant prays for return of these items.

Caroline Frenchman, Defendant

BY: Martin G. Cahill  
 Martin G. Cahill, 16742  
 Dakota County Public Defender  
 P.O. Box 574  
 Dakota City, Nebraska 68731  
 (402) 987-2139

ORDER

- The Motion is set for hearing on the 11 day of March, 1992, at 9:00 o'clock a.m.
- The Motion is denied.
- The Motion is granted. Defendant's property is ordered returned to him.



Robert R. Smith  
 COUNTY JUDGE

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on March 9 1992

By:  U.S. Mail  FAX  
 Hand Delivered  Overnight Courier  
 Federal Express  Other:

Signature: [Signature]  
 State Board of Education



BY THE COURT:



*Rodney R. Smith*

RODNEY R. SMITH, COUNTY JUDGE

The undersigned... movement was served upon all parties to the above cases by depositing a copy thereof in the U.S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record herein at their respective addresses disclosed in the pleadings, on 3-16-92

*Wln*

CC: Personally to Dakota County Attorney's Office  
Personally to Public Defender's Office

STATE OF NEBRASKA }  
COUNTY OF DAKOTA } ss

CASE NO.

52-266

IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT OF NEBRASKA,  
IN AND FOR DAKOTA COUNTY.

THE STATE OF NEBRASKA,

Plaintiff,

vs.

CAROLINE C. FRENCHMAN

Defendant.

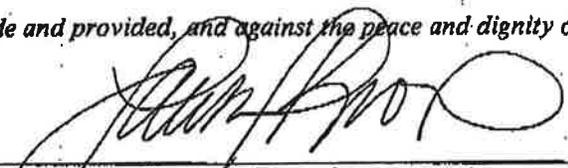
POSSESSION WITH INTENT TO DELIVER MARIJUANA, Neb. Rev. Stat. §28-416(1)(a). Pen. § Neb. Rev. Stat. §28-416(2)(b). (Reissue 1990 Supp.). CLASS III FELONY

BE IT REMEMBERED, That Laura L. Knox, Deputy , County Attorney in and for Dakota County, and in the Eighth Judicial District of the State of Nebraska, who prosecutes in the name and by authority of the State of Nebraska, comes here in person into Court at this, the February term, A.D., 1992 , thereof, and for the State of Nebraska, gives the Court to understand and be informed that CAROLINE C. FRENCHMAN late of the county aforesaid, did, on or about the 8th day of February A.D. 19 92 , in the County of Dakota and State of Nebraska aforesaid,

knowingly or intentionally manufacture, distribute, deliver, dispensed or possessed with intent to manufacture, distribute, deliver or dispense a controlled substance, to-wit: marijuana as defined by Neb. Rev. Stat. §28-405, Schedule I(c)(10);

STATE OF NEBRASKA  
DAKOTA COUNTY (SS)  
FILED  
MAR 17 1992 CB  
CLERK OF DISTRICT COURT  
BY \_\_\_\_\_ DEPUTY

Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Nebraska.

  
Laura L. Knox, Deputy County Attorney.



plea of not guilty to each of the charges. The Court accepts the pleas of not guilty from the Defendant; that the Defendant is ordered held for jury trial as the 2nd case of priority on the 20th day of July, 1992, at 9:30 a.m.; that the bond is continued as previously set.

BY THE COURT:

*Robert E. O'Neil*  
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

On this 17 day of May, 1992, the above was served on the attorney of record for all adverse parties by placing copy or copies thereof duly addressed and postage prepaid in the United States Mail.

Nancy Estlich M. Cahill  
te

STATE OF NEBRASKA }  
COUNTY OF DAKOTA } ss.

CASE NO. 52-266  
AMENDED

IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF NEBRASKA,  
IN AND FOR EIGHTH COUNTY,  
DAKOTA

THE STATE OF NEBRASKA,  
vs. Plaintiff,

CRIMINAL ATTEMPT, Neb. Rev.  
Stat. §28-201(1)(a)(b). Pen.  
§ Neb. Rev. Stat. 28-201(4)(d)  
INFORMATION (Reissue 1989).

CAROLINE C. FRENCHMAN,  
Defendant.

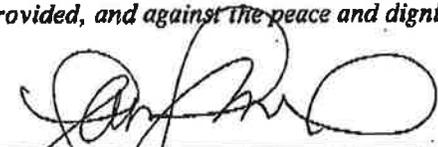
CLASS I MISDEMEANOR

BE IT REMEMBERED, That Laura L. Knox, Deputy County Attorney in and for Dakota County, and in the Eighth Judicial District of the State of Nebraska, who prosecutes in the name and by authority of the State of Nebraska, comes here in person into Court at this, the FEBRUARY term, A.D., 19 92, thereof, and for the State of Nebraska, gives the Court to understand and be informed that late of the county aforesaid, did, on or about the 8th day of FEBRUARY A.D. 19 92, and State of Nebraska aforesaid, in the County of Dakota

intentionally engage in conduct which would constitute a crime if the attendant circumstances, were as he believes them to be, or did intentionally engage in conduct which under the circumstances he believed to be, constituted a substantial step in the course of conduct, intended to culminate in the commission of the crime of Possession of Alparazolam; as defined by Neb. Rev. Stat. 28-405, Schedule IV (20);

STATE OF NEBRASKA  
DAKOTA COUNTY (SS)  
FILED  
cB JUL 17 1992  
CLERK OF DISTRICT COURT  
BY \_\_\_\_\_ DEPUTY

Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Nebraska.

  
Laura L. Knox, Deputy County Attorney.

COLENE BOYLE  
CLERK  
~~MINISTER~~  
DEPUTY

Veronica  
Grijalba

OFFICE OF  
**CLERK OF DISTRICT COURT**  
DAKOTA COUNTY, P.O. BOX 66  
DAKOTA CITY, NEBRASKA 68731

TELEPHONE  
~~X021 987-2114~~  
(402) 987-2114

DATE 7-31-92

Dear Sir or Madam: R. Thamer M. Cahill

RECEIVED  
AUG 03 1992  
By \_\_\_\_\_

It is the duty of the Clerk of the District Court to keep a complete record of all proceedings of the Court during each court session. These proceedings must be made up before the final order of adjournment is made. For this reason, we are listing below cases that you were involved in and which have been recently disposed of. Please indicate opposite the case listed if you are willing to waive the making of this record or if one is needed, please enclose the \$15.00 and return the form to this office.

Thank you for your cooperation.

Sincerely,

Approved this

10 day of August 1992  
Robert E. Otto

District Judge

Colene Boyle  
Colene Boyle  
Clerk of District Court

STATE OF NEBRASKA  
DAKOTA COUNTY (SS)  
**FILED**  
AUG 06 1992 CB  
CLERK OF DISTRICT COURT  
BY \_\_\_\_\_ DEPUTY

TITLE OF CASE	WAIVE RECORD	RECORD NEEDED
#52-263 to 266 St. One v. C. Frenchman	YES	No

M. D. Cahill  
Signature of Attorney

IN THE DISTRICT COURT OF DAKOTA COUNTY, NEBRASKA

THE STATE OF NEBRASKA, ]  
 Plaintiff, ]  
 -v- ]  
 CAROLINE C. FRENCHMAN ]  
 Defendant. ]

CASE NO. 52-263 to 52-266  
 JOURNAL ENTRY

NOW ON THIS 20th day of July of 1992, these matters came on for plea taking and sentencing. The Plaintiff, State of Nebraska, appeared by and through Michael P. Schmiedt, Deputy County Attorney of Dakota County, Nebraska. Defendant appeared in person along with her attorney, Richard Thramer. The Court, after being duly informed of the premises, finds:

1. The Defendant acknowledges receipt of a copy of the amended information. The Defendant waives twenty-four hour service of the amended information.

2. The terms of a plea agreement were stated upon the record, as follows: The Defendant will plead guilty in case number 52-263 to No Valid Registration and the parties are going to recommend a fine of \$100.00 plus court costs; Count II in case number 52-263, Driving Under Suspension is to be dismissed. In case number 52-264 the Defendant is going to plead guilty to Driving Under the Influence of Alcohol. The parties are going to recommend a period of six months probation, \$200.00 fine plus court costs and a license impoundment of 60 days. The State is then going to move to dismiss Count I in case number 52-264, No Operator's License. In case number 52-265 the Defendant is going to plead guilty to Possession of Drug Paraphernalia and the parties are going to recommend a fine of \$100.00 plus costs. The

State is then going to move to dismiss Count II in case number 52-265, Keeping Controlled Substance in Unauthorized Container. In case number 52-266 the Defendant is going to plead guilty to the amended charge of Criminal Attempt of Possession of Alparazolam, a Class I Misdemeanor. The parties will recommend a period of probation of 18 months. Said probationary period to run concurrent with the six months probation for Driving Under the Influence of Alcohol contained in case number 52-264. The Defendant will be given credit for time served of 12 days which would be \$720.00.

3. The Defendant enters a plea of guilty to each charge. After conferring with the Defendant said pleas are accepted.

4. That beyond a reasonable doubt the Defendant fully understands her constitutional rights, that she freely, voluntarily, knowingly and intelligently waives said rights, with the full understanding of the consequences of her waiver, and Defendant's waiver of her constitutional rights is accepted.

5. That beyond a reasonable doubt there is an actual factual basis for the plea and the Defendant fully understands her constitutional rights and freely and voluntarily waives them; that Defendant is acting voluntarily with the full understanding of the nature of the charges against him, the consequences of her plea and the penalty that can be imposed; that Defendant's plea is made intelligently, voluntarily and knowingly.

6. The Court accepts the Defendant's plea of guilty and finds the Defendant guilty of the charge set out in the informations, to-wit: case number 52-263 Count I, No Valid

Registration, a Class III Misdemeanor; case number 52-264 Count II, Driving Under the Influence of Alcohol, a Class W Misdemeanor; case number 52-265 Count I, Possession of Drug Paraphernalia, an Infraction; case number 52-266, Criminal Attempt of Possession of Alparazolam, a Class I Misdemeanor.

7. That a presentence investigation is waived by the parties.

8. The Defendant is hereby sentenced in case number 52-263, No Valid Registration, Class III Misdemeanor, to fine of \$100.00 plus court costs; case number 52-264, Driving Under the Influence of Alcohol, a Class W Misdemeanor, to a period of six months probation, \$200.00 fine plus court costs and a license impoundment of 60 days; in case number 52-265, Possession of Drug Paraphernalia, an infraction, to a fine of \$100.00 plus costs; case number 52-266, Criminal Attempt of Possession of Alparazolam, a Class I Misdemeanor, to a period of probation of 18 months. Said probationary period to run concurrent with the six months probation for Driving Under the Influence of Alcohol contained in case number 52-264.

9. Defendant is ordered to pay costs in all of these actions. Defendant is to be given credit for time served which would be \$720.00.

10. Defendant's bond is exonerated.

11. Plaintiff waives copy of complete record.

WHEREFORE IT IS ORDERED that the Defendant acknowledges receipt of a copy of the amended information. The Defendant waives twenty-four hour service of the amended information; the

terms of a plea agreement were stated upon the record, as follows: The Defendant will plead guilty in case number 52-263 to No Valid Registration and the parties are going to recommend a fine of \$100.00 plus court costs; Count II in case number 52-263, Driving Under Suspension is to be dismissed. In case number 52-264 the Defendant is going to plead guilty to Driving Under the Influence of Alcohol. The parties are going to recommend a period of six months probation, \$200.00 fine plus court costs and a license impoundment of 60 days. The State is then going to move to dismiss Count I in case number 52-264, No Operator's License. In case number 52-265 the Defendant is going to plead guilty to Possession of Drug Paraphernalia and the parties are going to recommend a fine of \$100.00 plus costs. The State is then going to move to dismiss Count II in case number 52-265, Keeping Controlled Substance in Unauthorized Container. In case number 52-266 the Defendant is going to plead guilty to the amended charge of Criminal Attempt of Possession of Alparazolam, a Class I Misdemeanor. The parties will recommend a period of probation of 18 months. Said probationary period to run concurrent with the six months probation for Driving Under the Influence of Alcohol contained in case number 52-264. The Defendant will be given credit for time served of 12 days which would be \$720.00; the Defendant enters a plea of guilty to each charge. After conferring with the Defendant said pleas are accepted; that beyond a reasonable doubt the Defendant fully understands her constitutional rights, that she freely, voluntarily, knowingly and intelligently waives said rights, with the full understanding of

the consequences of her waiver, and Defendant's waiver of her constitutional rights is accepted; that beyond a reasonable doubt there is an actual factual basis for the plea and the Defendant fully understands her constitutional rights and freely and voluntarily waives them; that Defendant is acting voluntarily with the full understanding of the nature of the charges against him, the consequences of her plea and the penalty that can be imposed; that Defendant's plea is made intelligently, voluntarily and knowingly; the Court accepts the Defendant's plea of guilty and finds the Defendant guilty of the charge set out in the informations, to-wit: case number 52-263 Count I, No Valid Registration, a Class III Misdemeanor; case number 52-264 Count II, Driving Under the Influence of Alcohol, a Class W Misdemeanor; case number 52-265 Count I, Possession of Drug Paraphernalia, an Infraction; case number 52-266, Criminal Attempt of Possession of Alparazolam, a Class I Misdemeanor; that a presentence investigation is waived by the parties; the Defendant is hereby sentenced in case number 52-263, No Valid Registration, Class III Misdemeanor, to fine of \$100.00 plus court costs; case number 52-264, Driving Under the Influence of Alcohol, a Class W Misdemeanor, to a period of six months probation, \$200.00 fine plus court costs and a license impoundment of 60 days; in case number 52-265, Possession of Drug Paraphernalia, an infraction, to a fine of \$100.00 plus costs; case number 52-266, Criminal Attempt of Possession of Alparazolam, a Class I Misdemeanor, to a period of probation of 18 months. Said probationary period to run concurrent with the six months probation for Driving Under the

Influence of Alcohol contained in case number 52-264; Defendant is ordered to pay costs in all of these actions. Defendant is to be given credit for time served which would be \$720.00; Defendant's bond is exonerated; Plaintiff waives copy of complete record.

BY THE COURT:

*Robert E. Osh*  
DISTRICT JUDGE

CERTIFICATE OF SERVICE

On this 23<sup>rd</sup> day of July, 1992, the above was served on the attorney of record for all adverse parties by hand delivering or by placing copy or copies thereof duly addressed and postage prepaid in the United States Mail. *R. Inman*

*Patricia K. Koster*  
pk

IN THE DISTRICT COURT OF DAKOTA COUNTY, NEBRASKA

THE STATE OF NEBRASKA,

Plaintiff,

vs

CAROLINE FRENCHMAN

Defendant.

ORDER OF PROBATION

Case No. AMENDED 52-266

THIS CASE CAME ON FOR SENTENCING on this 20th day of July, 19 92 The State of Nebraska was represented by Michael P. Schmiedt (Deputy) County Attorney of Dakota County, Nebraska and the defendant is represented by Richard Thramer, Deputy Public Attorney The Honorable Robert E. Otte presiding.

The Court finds that the defendant was adjudged guilty of the charge(s) of Criminal Attempt on the 20th day of July, 19 92 Allocation had: defendant showed no sufficient reason why sentence should not be pronounced.

IT IS THEREFORE ORDERED that the defendant is hereby sentenced to Probation for a period of 18 months under the supervision of a State Probation Officer. The defendant shall meet the following conditions of probation:

- 1. Not violate any laws, refrain from disorderly conduct or acts injurious to others.
2. Avoid social contact with those persons having criminal records or who are on probation or parole, except by special permission of the probation officer.
3. Report as directed by the Court or probation officer.
4. Truthfully answer questions and allow the probation officer to visit you at all reasonable times and places.
5. Be employed or provide proof that employment is being sought, or attend school.
6. Obtain permission from your probation officer before any change of address or employment.
7. Not leave Dakota County without written permission of the probation officer and reside within the following locality, to wit: Winnebago, Nebraska.
8. Not have in your possession any firearms or illegal weapons.
9. Submit to reasonable search and seizure of premises, person or vehicle, by or upon request of the probation officer or law enforcement officer.
10. Abstain from excessive/all use of alcoholic liquor or beverages, not use or possess any controlled substance, except by prescription, and submit to a chemical test of his/her blood, breath or urine, upon request of his/her probation officer, or law enforcement officer, to determine the use of alcoholic liquor or drugs. Failure to submit to tests shall constitute a violation of probation. The defendant is further ordered to pay the clerk of the sentencing court \$5.00 per month for 18 months, or a total of \$ 90.00 for chemical testing while on probation. First payment due 9-1-92; subsequent payments due the first day of each month thereafter.
11. Pay to the clerk of the sentencing court: A) Court Costs: \$256.00 By: 12-20-93 B) Restitution: By: C) DRI/SAQ/ACDI fee: \$10.00 By: D) Fine: By: Payments shall be completed no later than thirty days prior to the date of discharge, unless specified above.
12. Complete Probation Risk and Needs Assessment, DRI/SAQ and/or ACDI and follow referral directions of probation officer regarding further evaluation and/or treatment, at the expense of probationer.
13. Satisfy the following additional conditions, which are reasonably related to reconstructing your behavior, as outlined on page two of this order.

IT IS FURTHER ORDERED that during the term of this probation, the Court, upon application of the probation officer or the defendant, or upon it's own motion, may modify or eliminate any of the above conditions or add further conditions.

BY THE COURT:

Signature of Robert E. Otte, Judge HON. ROBERT E. OTTE

I hereby accept probation and agree to abide by all the conditions of probation ordered by the Court. Any violation of the above conditions is cause for revocation of my probation and may result in a sentence to confinement. I do hereby waive extradition to the State of Nebraska if, at the time of my apprehension, I am in another state.

I received a copy of the above order, and page two if applicable, this 20th day of July, 19 92

Signature of Caroline Frenchman, Defendant Caroline Frenchman

Entered in Court Journal

PAGE 2

ORDER OF PROBATION, FOR: CAROLINE FRENCHMAN CASE # 52-266

14. Reimburse \_\_\_\_\_ County for Court Appointed Attorney Fees, if one appointed, in the amount of \$ \_\_\_\_\_ by \_\_\_\_\_.

15. Shall satisfy these additional conditions.

- A. Defensive Driving
- B. Defendant shall serve \_\_\_\_\_ in the \_\_\_\_\_ County Jail; that shall be served immediately; and the balance of \_\_\_\_\_ shall be served as reviewed by the Court; weekly \_\_\_\_\_; monthly \_\_\_\_\_; at the end of probation \_\_\_\_\_; other \_\_\_\_\_

C. Driver's License # \_\_\_\_\_ revoked/impounded/restricted for a period of 60 days

D. Referral to an appropriate Domestic Abuse/Sexual Assault Center for further evaluation and/or testing and follow the recommendations of treatment by that agency as directed by your probation officer. Treatment may include inpatient treatment, outpatient treatment, anger control education classes, individual/group/family counseling, etc. (All costs to be paid by the probationer)

E. Referral to an appropriate Mental Health Center for further psychological testing and follow recommendations of treatment by that center as directed by your probation officer. Treatment may include inpatient treatment, outpatient treatment, individual/group/family counseling, etc. (All costs to be paid by the probationer)

F. Any case in which the defendant is guilty of violating Section 28-416, (drug violations) he/she shall attend mandatory treatment and counseling as provided by Subsection (9) of Section 28-416. (All costs to be paid by the probationer)

G. Case #52-263 fine \$100.00. Case #52-265 fine \$100.00. \$720.00 credit for time served against fines and Court costs.

H. \_\_\_\_\_

I. \_\_\_\_\_

J. \_\_\_\_\_

STATE OF NEBRASKA  
 DAKOTA COUNTY (SS)  
 FILED  
 SEP 14 1993  
 CLERK OF DISTRICT COURT  
 NEBRASKA DEPUTY

IN THE DISTRICT COURT OF DAKOTA COUNTY,

THE STATE OF NEBRASKA,  
Plaintiff

vs.

Caroline Frenchman  
Defendant.

CASE NO. 52-266

APPLICATION FOR EARLY  
TERMINATION OF PROBATION

The undersigned probation officer hereby applies to the Court for early termination of the probation for the above captioned defendant. The following reasons are set forth for this application:

The Defendant has paid all Court costs, fines, restitution if so ordered, and completed any special conditions ordered by the Court.

It is hereby alleged that the above captioned probationer is successfully completing probation and that probation is no longer necessary or likely to insure that the probationer will lead a law-abiding life nor is it reasonably related to the rehabilitation of the above captioned probationer.

Signed this 26<sup>th</sup> day of August, 1993.

Michael D. Carlson  
State Probation Officer

After having reviewed this case, the County Attorney's office has no objection to the early release of the above defendant.

Signed this 30<sup>th</sup> day of August, 1993

Walter P. Jackson  
County (deputy) Attorney

Therefore, upon application of a Probation Officer of Probation District #2, and by Order of the Court, said defendant is released and discharged from his/her Order of Probation effective the 14<sup>th</sup> day of September, 1993. The defendant's civil rights are restored the same as though a pardon had been issued.

BY THE COURT:

Date 9-14-93

[Signature]  
JUDGE

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

SW 024337

THE STATE OF IOWA,  
~~CITY OF STOKES CITY~~

Plaintiff,

COMPLAINT & AFFIDAVIT

vs.

CAROLINE FRENCHMAN

Defendant.

FILED

THE DEFENDANT IS ACCUSED OF THE ~~CRIME~~ ~~OF~~ ~~OPERATING~~ ~~WHILE~~ ~~INTOXICATED~~ ~~3RD.~~  
a CLASS D FELONY, in violation of Section 321J.2 of the  
Iowa Criminal Code in that the Defendant on or about the 21th day of  
March, 1994, at W-19 & HAMILTON BLVD Woodbury County, did:  
OPERATE A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE  
OR OTHER DRUG OR A COMBINATION OF SUCH SUBSTANCES OR WHILE HAVING AN  
ALCOHOL CONCENTRATION OF .10 OR MORE.

THEREFORE, complainant requests that said Defendant, subject to bail or conditions of release where applicable, (1) be arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or (2) be detained, if already in custody, pending further proceedings, and that said defendant otherwise be dealt with according to law.

I.S.P.  
Complainant's Agency

TRP. DAVE GOREHAM 151  
Complainant

AFFIDAVIT

I, the undersigned Complainant, being first duly sworn on oath, do hereby depose and state I believe the above-named Defendant committed the above-named public offense based on the following facts known by me or told to me by other reliable persons:

MR. AYERS WAS OPERATING A BLK. 79 LINCOLN EASTBOUND ON 19TH STREET AND CASTLEMAN ON 19TH. AT GEORGE STREET HE PULLED OVER TO THE CURB AND A FEMALE GOT OUT WHO WAS LATER I.D. AS CAROLINE FRENCHMAN. SHE WALKED AROUND THE REAR OF THE CAR AND GOT IN BEHIND THE WHEEL WITH MR. AYERS SLIDING OVER. THEY THEN CONTINUED EAST ON 19TH. WHERE AT THE INTERSECTION OF HAMILTON BLVD. THEY WERE STOPPED BY S.C.P.D. OFFICER HOUCHINS. THIS INFO. WAS RELATED TO ME BY S.C.P.D. UNDER COVER OFFICERS REILLY & CASSENS WHO FOLLED THE VEHICLE FROM 19TH & CASTLEMAN TO WHERE THEY CONTACTED HOUCHINS TO STOP IT. WHEN WE ARRIVED BOTH PARTIES WERE IN THE BACK OF HOUCHINS SQUAD. MS. FRENCHMAN FAILED ALL SOBRIETIES AND REFUSED THE P.B.T.

[Signature] 151  
Complainant's Signature

SUBSCRIBED AND SWORN to before by the person signing this Complaint and Affidavit on this 21 day of March 1994

[Signature]  
Notary Public



I, the undersigned Judge have determined from the Complaint that there is probable cause to believe that the above-named Defendant committed the above-named public offense.

DATED this \_\_\_\_\_ day of MAR 21 1994, 1994

RL Mc Coy

Frenchman 2/20/13  
EXHIBIT NO. 5  
9-124 51 P8S  
JODY WHITE, RMR

WOODBURY COUNTY SHERIFF  
3/21/94 4:09:00

ARREST REPORT

ARREST NUMBER: H 00240156  
DATE & TIME: 3/21/94 4:04

NAME: FRENCHMAN, CAROLINE CARMEN  
ADDR: 301 21ST ST  
SIOUX CITY IA 51104

AKA: McCLELLAND, CAROLINE CARMEN  
PH: 712

DOB

SOC-SEC-NR

SEX

AGE

HGT

WGT

EYES

HAIR

RACE

HISP

MRL

F

030

508

190

BRO

BRO

I

S

PLACE OF BIRTH  
CHICAGO

IL

OCCUPATION  
WAITRESS

PLACE OF EMPLOYMENT  
WINNEVEGAS

SCARS, MARKS, TATOOS  
SCAR UPPER LIP

VISIBLE INJURIES  
NONE

LOCATION ARRESTED  
W 19TH AND HAMILTON BLVD

ARREST OFC:

BOOKED BY: 9197 CHRIS GROVES

BOOKING DATE: 3/21/94

ASSIST OFC:

SEARCHED BY: 9299 RHONDA THOMAS

BOOKING TIME: 4:04

410 ALLAN M HOUCHINS

PRINTS (Y/N): Y

FP#:

IDMO:

NCIC: Y HIT:

FBI:

DCI:

SFC:

FPC:

RIGHT INDEX



RELEASED BY:

DATE RELEASED: 0/00/00

TIME RELEASED:

COURT DATE: 0/00/00

CHARGES

W UCR CODE STATUTE SC RL CHARGE DESCRIPTION  
900 01 321J.2 OWI 3RD

REBOOKED

PHONE CALLS

PHONE NUMBER TO WHOM  
255-8707 BOB MATHISON

TIME DATE  
4:10 3/21/94

NOTES

ARRESTING OFFICER IHP GOERHAM #151

NOTE DATE  
3/21/94

PROPERTY RECEIPT

CURRENCY 230.00  
TOTAL CASH 231.67  
RINGS 7  
JEWELRY 1 BRACELET  
COMB 1 PURPLE

COINS 1.67  
WATCH 1  
JEWELRY 1 NECKLACE  
SHOES BLACK

I CERTIFY THAT THE ABOVE IS A COMPLETE INVENTORY OF ARTICLES REMOVED FROM ME AT THE TIME OF MY CONFINEMENT.

PRISONERS SIGNATURE *Caroline Frenchman*

WOODBURY COUNTY SHERIFF  
3/21/94 4:09:00

ARREST REPORT

ARREST NUMBER: H 00240156  
DATE & TIME: 3/21/94 4:04

FRENCHMAN, CAROLINE CARMEN

INITIAL MEDICAL RECORD SCREENING

PERSON TO NOTIFY NONE  
ADDRESS  
CITY  
PHONE 000

ST ZIP

DOCTOR NONE

INS CO. NONE

PRESCRIPTION DRUGS NONE

FOR  
FOR  
FOR

CONTAGIOUS DISEASE N WHAT  
STREET DRUGS N WHAT USED  
ALLERGIES NONE

INTOXICATED N  
MEDICAL PROBLEMS NONE

HAVE YOU EVER TRIED TO HURT YOURSELF N  
HAVE YOU EVER ATTEMPTED TO COMMIT SUICIDE N  
ARE YOU THINKING ABOUT HURTING YOURSELF NOW N

BOOKING OFFICER'S OBSERVATIONS

DOES THE INMATE SHOW SIGNS OF DEPRESSION? N  
DOES THE INMATE APPEAR OVERLY ANXIOUS, AFRAID OR ANGRY? N  
DOES THE INMATE APPEAR TO FEEL UNUSUALLY EMBARRASSED OR ASHAMED? N  
IS THE INMATE ACTING OR TALKING IN A STRANGE MANNER? N  
IS THE INMATE APPARENTLY UNDER THE INFLUENCE OF ALCOHOL OR DRUGS? Y  
DOES INMATE HAVE MARKS OR SCARS THAT INDICATE A PREVIOUS SUICIDE ATTEMPT? N

AUTHORIZATION FOR RELEASE OF INFORMATION: I HEREBY AUTHORIZE MARIAN HEALTH CENTER AND/OR ST. LUKES AND MY ATTENDING PHYSICIAN(S) TO RELEASE TO WOODBURY COUNTY AND ITS INSURANCE CARRIER OR CARRIERS ANY AND ALL RECORDS OR INFORMATION THEY MAY HAVE RELATIVE TO ANY ILLNESS OR INJURY FOR WHICH I HAVE BEEN TREATED WHILE AN INMATE OF THE WOODBURY COUNTY JAIL.

DATE 3/21/94

PRISONERS SIGNATURE *[Signature]*

PROPERTY RELEASE ACKNOWLEDGEMENT

I HAVE BEEN RELEASED FROM THE WOODBURY COUNTY JAIL. I HAVE RECIEVED ALL MONEY AND PROPERTY, IN GOOD CONDITION, THAT I HAD WHEN I CAME INTO CUSTODY OF THE SHERIFF.

DATE \_\_\_\_\_ TIME \_\_\_\_\_ PRISONERS SIGNATURE \_\_\_\_\_

RELEASING OFFICER SIGNATURE \_\_\_\_\_

END OF ARREST REPORT

APPEARANCE BOND

CA NO.

IN THE IOWA DISTRICT COURT, WOODBURY COUNTY, IOWA

An order having been made on the 21st day of March, A. D., 19 94, by Judge Adams District Associate Judge of Woodbury County, Iowa, that Caroline Frenchman be held to answer upon a charge of

upon which he has been duly admitted to bail, in the sum of 3250.00 dollars.

We, Caroline Frenchman and International Fidelity Ins Co hereby undertake that the said Caroline Frenchman shall appear at the District court of Woodbury County, located First Floor, Law Enforcement Center, Seventh & Douglas Streets, Sioux City, Iowa, on the 7th day of April A. D. 19 94 at 9:00 A.M. and answer said charge, and submit to the orders and judgment of said court, and not depart without leave of the same, or, if he fails to perform either of these conditions, that we will pay to the state of Iowa the sum of 3250.00 dollars.

FILED 94 MAR 21 A 7:58 CRAIG JORGENSEN CLERK OF DISTRICT COURT

Caroline C. Frenchman Principal 301 21st \* 1 Address International Fidelity Insurance Co., Inc 24 Commerce Street Newark, N. J. 07102 Surety

Accepted by me as a deputy district court clerk in the city of Sioux City, Woodbury County, Iowa, this day of A.D., 19 1994

DEPUTY DISTRICT COURT CLERK Woodbury County, Iowa.

It is unlawful to print this form without written consent of home office.

POWER OF ATTORNEY INTERNATIONAL FIDELITY INSURANCE COMPANY Bond Department Newark Center, 20th Floor, Newark, New Jersey 07102

Power No. IC- 877893 MER VOID AFTER 12/31/94

KNOW ALL MEN BY THESE PRESENTS, that INTERNATIONAL FIDELITY INSURANCE CORPORATION, a corporation duly organized and existing under the laws of the State of New Jersey has constituted and appointed, and does hereby constitute and appoint,

Its true and lawful attorney-in-fact, with full power and authority to sign the company's name and affix its corporate seal to, and deliver on its behalf as surety, any and all obligations as herein provided, and the execution of such obligations in pursuance of these presents shall be as binding upon the company as fully and to all intents and purposes as if done by the regularly elected officers of said company at its home office in their own proper person; and the said company hereby ratifies and confirms all and whatsoever its said attorney-in-fact may lawfully do and perform in the premises by virtue of these presents.

THIS POWER OF ATTORNEY IS VOID IF ALTERED OR ERASED, THE OBLIGATION OF THE COMPANY SHALL NOT EXCEED THE SUM OF FIVE THOUSAND FIVE HUNDRED DOLLARS (\$5,500.00) AND MAY BE EXECUTED FOR RECOGNIZANCE ON CRIMINAL BAIL BONDS ONLY.

Amount of Bond 3250.00 Defendant (Name) Caroline Carmen Frenchman Defendant Address 301 21st City and State Sioux City Ia Court Dist Br Woodbury Co Offense Owl 3rd Date of Execution March 21, 1994 Attorney-in-fact Adam J. Zimmerman Signature

NOT VALID FOR IMMIGRATION BONDS



IN WITNESS WHEREOF, said INTERNATIONAL FIDELITY INSURANCE COMPANY, by virtue of authority conferred by its Board of Directors, has caused these presents to be sealed with its corporate seal, signed by the Chairman of the Board and attested by its Secretary, this 2nd day of April, 1991.

Chairman of the Board Philip Korvitz, Chairman of the Board Secretary Norman Korvitz, Secretary

- 1. A separate Power of Attorney must be attached to each bond executed. 2. Powers of Attorney must not be returned to attorney-in-fact, but should remain a permanent part of court records. 3. The authority of such attorney-in-fact is limited to appearance bonds and cannot be construed to guarantee for failure to provide payments, back alimony payments, fines or wage law claims.

04.09.13 State Board of Education

4-27-94  
~~April 7, 1994~~

FILED

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY APR 8 A 9 21

CRAIG JORGENSEN  
CLERK OF DISTRICT COURT  
BY \_\_\_\_\_ DEPUTY

THE STATE OF IOWA, W01000020 :  
 Plaintiff, : CRIMINAL NO. OWCR024337  
 vs. :  
 CAROLINE CARMEN FRENCHMAN, a/k/a : TRIAL INFORMATION "A"  
 CAROLINE MCCLELLAND,  
 \_\_\_\_\_,  
 Defendant. :

COMES NOW, TERI L. LADWIG, Assistant Woodbury County Attorney, and in the name and by the authority of the State of Iowa, accuses Caroline Carmen Frenchman, a/k/a Caroline McClelland, of the crime(s) of OPERATING WHILE INTOXICATED, a Serious Misdemeanor, committed as follows:

Said Defendant, on or about the 21st day of March, 1994, in Woodbury County, Iowa, did operate a motor vehicle in this state while under the influence of an alcoholic beverage or other drug or a combination of such substances; all in violation of Section 321J.2 of the Code of Iowa.

A TRUE INFORMATION

Teri Ladwig  
Teri L. Ladwig - W000008325  
Prosecuting Attorney

APPROVAL ORDER

This information and the Minutes of Testimony accompanying it have been examined by me and found to contain sufficient evidence, if unexplained, to warrant a conviction by a trial jury; the filing of this information is approved by me on this 8<sup>th</sup> day of April, 1994.

- \_\_\_\_\_ Defendant is released on personal recognizance.
- \_\_\_\_\_ Bond is set in the amount of \$ \_\_\_\_\_.
- \_\_\_\_\_ Bond must be cash or secured in the amount of the bond.
- \_\_\_\_\_ 10% cash may be posted.
- \_\_\_\_\_ Bond previously set shall continue.
- \_\_\_\_\_ Clerk of Court shall issue an arrest warrant.

R. M. S. O. J.  
JUDGE, 3rd Judicial District of Iowa

FILED

~~April 7, 1994~~

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

1994 APR -8 A 9:21

CRAIG JORGENSEN  
CLERK OF DISTRICT COURT  
BY \_\_\_\_\_ DEPUTY

THE STATE OF IOWA, WO1000020 :  
 Plaintiff, : CRIMINAL NO. OWCR024337  
 vs. :  
 CAROLINE CARMEN FRENCHMAN, a/k/a : TRIAL INFORMATION "B"  
 CAROLINE MCCLELLAND, :  
 \_\_\_\_\_, :  
 Defendant. :

COMES NOW, TERI L. LADWIG, Assistant Woodbury County Attorney, and in the name and by the authority of the State of Iowa, accuses Caroline Carmen Frenchman, a/k/a Caroline McClelland, of the crime(s) of OPERATING WHILE INTOXICATED - THIRD OFFENSE, all in violation of Section 321J.2 of the Iowa Code, committed as follows:

Said Defendant, on or about the 21st day of March, 1994, in Woodbury County, Iowa, did:

Operate a motor vehicle in this state while under the influence of an alcoholic beverage or other drug or a combination of such substances.

That on or about August 1, 1989, judgment was rendered against the Defendant, Caroline Carmen Frenchman, a/k/a Caroline McClelland, in Associate District Court, Sioux City, Woodbury County, Iowa, for the crime of Operating While Intoxicated, for which offense he was convicted, all in violation of Section 321J.2 of the Code of Iowa.

That on or about July 20, 1992, judgment was rendered against the Defendant, Caroline Carmen Frenchman, a/k/a Caroline McClelland, in Dakota County District Court, South Sioux City, Nebraska, for the crime of Operating While Intoxicated, for which offense he was convicted, all in violation of Section 321J.2 of the Code of Iowa.

A TRUE INFORMATION

*Teri Ladwig*  
Teri L. Ladwig - W00008325  
Prosecuting Attorney

APPROVAL ORDER

This information and the Minutes of Testimony accompanying it have been examined by me and found to contain sufficient evidence, if unexplained, to warrant a conviction by a trial jury; the filing of this information is approved by me on this 8<sup>th</sup> day of April, 1994.

- Defendant is released on personal recognizance.
- Bond is set in the amount of \$ \_\_\_\_\_.
- Bond may be unsecured.
- Bond must be cash or secured in the amount of the bond.
- 10% cash may be posted.
- Bond previously set shall continue.
- Clerk of Court shall issue an arrest warrant.

R. McLaughlin  
JUDGE, 3rd Judicial District of Iowa

WOODBURY COUNTY SHERIFF  
3/27/95 9:20:17

ARREST REPORT

ARREST NUMBER: 9 00247881  
DATE & TIME: 3/27/95 9:05

NAME: FRENCHMAN, CAROLINE CARMEN  
ADDR: 512 W 16TH ST  
SIOUX CITY IA 51103

AKA:  
PH.: 712

DOB

SOC-SEC-NR

SEX  
F

AGE  
031

HGT  
508

WGT  
185

EYES  
BRO

HAIR  
BLK

RACE  
I

HISP

MRL  
X

PLACE OF BIRTH  
CHICAGO

IL

OCCUPATION  
LABORER

PLACE OF EMPLOYMENT  
ZINN CONSTRUCTION

SCARS, MARKS, TATOOS  
SCAR ABOVE LFT LIP

VISIBLE INJURIES  
NONE

LOCATION ARRESTED  
L.E.C.

ARREST OFC: 9346 LANAE CHANTEL PETERS  
BOOKED BY: 9191 RICHARD ELLISON  
BOOKING DATE: 3/27/95

ASSIST OFC:  
SEARCHED BY:

9346 LANAE CHANTEL PETERS

BOOKING TIME: 9:05

PRINTS (Y/N): Y  
NCIC: Y HIT:  
SPC:

FP#:  
FBI:  
FPC:

IDMO:  
DCI:

RIGHT INDEX



RELEASED BY:  
DATE RELEASED: 0/00/00

TIME RELEASED:

COURT DATE: 0/00/00

CHARGES

W UCR CDE STATUTE  
Y 23H 03 714.2(3)  
Y 90Z 40 665

SC RL CHARGE DESCRIPTION  
THEFT-3RD-(\$501 TO \$1,000)  
FAIL TO APPEAR OWI 3RD

CRT  
CRT

REBOOKED

PHONE CALLS  
PHONE NUMBER  
712

TO WHOM  
LATER

TIME  
9:15

DATE  
3/27/95

NOTE DATE  
3/27/95

NOTES

SUBJECT BROUGHT IN BY STEVE KAMMERER.

PROPERTY RECEIPT  
CIGARETTES  
KEYS  
SHOES

1 OPN FK  
3 ON RING  
BLK  
FILE BOARD

LIGHTER  
COAT

YELLOW PLASTIC  
BLUEJEAN  
1/2 CANDY BAR

I CERTIFY THAT THE ABOVE IS A COMPLETE INVENTORY OF ARTICLES REMOVED FROM ME AT THE TIME OF MY CONFINEMENT.

PRISONERS SIGNATURE *Caroline Frenchman*

301 21st. Hwy W 51104 #1  
FHG 02/28/95 @ 1:30 PM  
OWI 3RD

SSN: [REDACTED]  
DOB: [REDACTED]

F  
[REDACTED]

'95 MAR 27 AM 11:17

STATE OF IOWA ss.  
Woodbury County

In The  
DISTRICT COURT  
of  
WOODBURY COUNTY, IOWA

CR.  
CLERK

To any Peace Officer in said County:

CASE NO. ~~6321~~ OWCR024337

CAROLINE C FRENCHMAN having given bond or been duly sub-  
poenaed as a witness, to appear before the District Court of Woodbury  
County, Iowa on 01/27/95, in a certain action now pending before said  
Court, wherein STATE OF IOWA -- ~~CITY OF STOKES CITY~~ is plaintiff and  
CAROLINE C FRENCHMAN is defendant, and said party having  
failed to appear at the time fixed for trial, now therefore you are hereby  
commanded to forthwith arrest the said CAROLINE C FRENCHMAN  
and bring CAROLINE C FRENCHMAN before the said Court to  
be dealt with according to law.

Witness my hand and seal of the District Court of Woodbury County,  
Iowa, this 02/01/95 .

Clerk of District Court

By J. Jorgensen  
Clerk's Designee

Let the defendant when arrested be admitted to bail in the sum of  
\$5000.00 Dollars.

I hereby certify and return that the within Warrant came into my  
hands on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_, and that by  
virtue thereof at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_  
A.D., 19\_\_\_\_. I arrested \_\_\_\_\_, the defendant  
within named, and I now have \_\_\_\_\_ in Court as by this Warrant  
commanded.

By \_\_\_\_\_

IN THE IOWA DISTRICT COURT OF WOODBURY COUNTY, IOWA

STATE OF IOWA

Plaintiff

VS

'95 MAR 27 AM 11:17

NO. OWCRO24337

CRIMINAL

CAROLINE FRENCHMAN

Defendant

CLERK

TO THE SHERIFF OF WOODBURY COUNTY, IOWA, Greetings:

Among others the following proceedings are had, done, and entered of record on the 27 day of JAN, 19 95, in the above captioned case, to-wit:

DEFENDANT FAILS TO APPEAR BOND IF ANY ORDERED FORFEITED HEARING IF ANY ON BOND FORFEITURE SET FOR 02/28/95 @ 1:30PM BENCH WARRANT TO ISSUE BOND ON WARRANT \$5000.00 CLERK TO NOTIFY AND INCLUDE ANY SURETY. R L MCCOY

Therefore, pursuant to the above order you are hereby ordered to ~~obey~~ AS PRESCRIBED BY LAW the following, to-wit:

CAROLINE FRENCHMAN  
301 21ST #1  
STOIX CITY IA 51104

INTERNATIONAL FIDELITY  
S KAMMERER  
3129 S OLIVE  
STOIX CITY IOWA 51106

And make return to this Court of obedience to this order within ten days from date.

Witness my hand and the seal of this Court this 2 day of FEB, 1995.

CLERK OF COURT

By [Signature] Deputy

PRETRIAL INTERVIEW

DATE OF INTERVIEW: 3-27-95 TIME: 1015 PLACE: Wood Co AGENT: W  
NAME: FRENCHMAN CAROLINE CARMEN ALIAS: McLELLAN, RICE  
ADDRESS: 512 W 16th St CITY: SC STATE: IA  
ZIP: 03 HOME PHONE: 255-6782 LIVING WITH: ROBERT MATHEWSON JR  
Name and Relationship

MONTHS PRESENT ADDRESS: 1 MO. RENT DOWN: \$ PER MONTH: 200  
MONTHS PRIOR ADDRESS: 1/2 YR. TIME IN DISTRICT: 3 YR. 2

DOB: [REDACTED] RACE: W.B.O.H.A.O. SEX: M HAIR: BLK EYES: BRN HGT: 5'8" 0  
WGT: 185 BIRTH CITY: CHICAGO STATE: IL FBI#: 402598KAI

DCI#: 38894 SS#: 507-94-9111 DMV LIC NO: SAME STATE: IA-Rel/ky  
EMPLOYMENT STATUS: LABORER EMPLOYER: ZINN CONST. 2

ADDRESS: CITY: SC STATE: IA MO. INCOME: 6/hr.  
MONTHS EMPLOYED: 1 WK MONTHS PRIOR EMPLOYMENT: 4 MO. SUPPORT: SELF

MARITAL STATUS: S.M.D. Sep. Engaged DEPENDENTS: 0 MILITARY: US Army  
STUDENT STATUS: No YRS. EDUCATION: 13 PHYSICAL HANDICAP: No

MENTAL HANDICAP: No SUBSTANCE ABUSE: No  
EVALUATION OR TREATMENT: WHEN: WHERE:

OTHER FAMILY TIES:  
(1)  
(2) Name Relationship Address Phone How often seen & when last

FIRST ARREST AGE: 22 PRESENTLY ON PROB. OR PAROLE: No NAME OF AGENT:  
EVER VIOLATE PA/PB: EVER ESCAPE OR ABSCOND: -2

PRIOR CRIMINAL RECORD: '89 OWI FINE; '91 (FTA) DWLS, D, OR REV - CS;  
? OWI 2ND 12795 (FTA) OWI 3RD

ARREST DATE: 3-27-95 ARREST TIME: 0905 ARREST DEPT: SO COUNTY: Wood  
CHARGE: 714.2(3) THEFT 3RD ACQR 028484; 665 FTA OWI 3RD OWCR 24337

NATURE OF CHARGE: SEE CT. FILE VOL. SURRENDER OR ARREST:  
CURRENTLY PENDING: OWI 3RD (ARREST 3-21-94) WHERE: WOOD. CO.

Code 811.2(2)  
Any matters indicating Defendant may fail to appear if released? CURRENT + PRIOR FTA'S  
Any matters indicating Defendant release may jeopardize the personal safety of another person? N/A

VERIFICATION REFERENCE OF THE ABOVE: OFFICE + NCIC  
RECOMMENDATION: POST BOND REASON: PARENTS AND CURRENT + PTR SCORE: 2  
JUDGMENT: PRIOR FTA'S

PRETRIAL RELEASE AGREEMENT

I understand that if I am released on my own recognizance as a result of this interview, that I am obligated to return to Court for all scheduled appearances, and I further understand that the interviewer has orally informed me of the penalty for failure to appear.

Defendant: Caroline C Frenchman Date: 3-27-95  
Witness: Steven Newhard Date: 3-27-95

OR. URI/#####. DCI/38891.###. FBI/#####.  
FUR/C. ATN/NEWARK

ACCEPTED XCS3 035 AT 0649 27MAR95  
6915  
03885

XCS3. IOWA CRIMINAL HISTORY PAGE- 01

WISDEMEANOR CONVICTIONS ONLY

DATE PRINTED-03/27/95

FBI-402998KA1  
DCI-388911

NAME--FRENCHMAN CAROLINE C  
FRENCHMAN CAROLINE CARMEN  
MCLELLAND CAROLINE C  
MCLELLANE CAROLINE CARMEN

DOB ██████████ SEX F RAC I HGT 508 WGT 150 EYE BRO HAIR BRO SKN MED

POB-IL  
ADDITIONAL IDENTIFIERS  
SMT-SC NOSE  
SMT-SC UP LIP  
SOC-807949111

01-ARRESTED OR RECEIVED 04/26/89  
ARREST AGENCY-BIG LA CITY IL 1A0570.00  
CHARGE NO-01 ILL-04/26/89 IA STATUTE-1A321J-2  
OFFENSE-5404 DWI

COURT AGENCY-  
COUNT NO-01 IA STATUTE-1A321J-2  
OFFENSE-5404 DWI 1ST OFF  
DISP DATE-08/01/89 DISP-CONVICTED  
E75 FINE  
OTHER PROVISION-SUBJECT PLEADS GUILTY  
OTHER PROVISION-COURT COSTS

02-ARRESTED OR RECEIVED 03/01/91  
ARREST AGENCY-GRAND PD 1B0570.00  
CHARGE NO-01 ILL-03/01/91 IA STATUTE-1A321J-2  
OFFENSE-5404 DWI 1ST OFF  
DISP DATE-03/01/91 DISP-CONVICTED

COURT AGENCY-  
COUNT NO-01 IA STATUTE-1A321J-2  
OFFENSE-5404 DWI 1ST OFF  
DISP DATE-03/01/91 DISP-CONVICTED

XCS3 0098  
MESSAGE FROM 6515  
032875

XCS3.

PAGE- 02  
DCI NO-336911

OTHER PROVISION-SUBJEC. PLEADS GUILTY  
OTHER PROVISION-COURT COSTS

03-ARRESTED OR RECEIVED 03/21/74  
ARREST: AGCY-SIOUX CITY PD IAC970100  
CHARGE NO-01 IA STATUTE-IA321J-2  
TRK# 011223001  
OFFENSE-5404 OWI-3RD OFFENSE

THIS RECORD MAINTAINED BY THE IOWA DIVISION OF CRIMINAL INVESTIGATION,  
BUREAU OF IDENTIFICATION IS CONFIDENTIAL AND MAY BE REDISSEMINATED ONLY  
IN ACCORDANCE WITH CHAPTER 322 OF THE CODE OF IOWA.  
\*\*\*\*\* END OF DATA \*\*\*\*\*

; 03270950/03270950  
XCS3 0098  
MESSAGE FROM 6515  
032875

DR. ORI/#####. DCI/#####. FBI/408395KA1.  
PUR/C. ATN/NEWARD

ACCEPTED XCS3 0098 032875  
6515  
032875

PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL FOR MORE INFORMATION.  
YOUR INQUIRY WILL BE ANSWERED AS SOON AS POSSIBLE.  
IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE FOLLOWING NUMBER:  
741-2345

4L01K083DR036000000  
IA097013C

ATN/NEWHARD

THIS RECORD IS BASED ONLY ON THE FBI NUMBER IN YOUR REQUEST-402538KA1.  
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY  
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

- FBI IDENTIFICATION RECORD -

WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE  
DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

NAME	FBI NO.	DATE REQUESTED
MCCLELLAND, CAROLINE DARMER	402538KA1	03/27/92

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE
F	I	[REDACTED]	508	130	BRO	BLK	ILLINOIS

FINGERPRINT CLASS  
FM RM PU RC 15  
DL RM RI RI 20

1-ARRESTED OR RECEIVED 09/26/89  
AGENCY-POLICE DEPARTMENT SIDUX CITY (IA0970100)  
AGENCY CASE-34504  
CHARGE 1-DWI

COURT-  
DISPOSITION-  
CHARGE-DWI 1ST OFF  
SENTENCE-

08-01-89. PLED GUILTY. FINE \$575 PLUS COSTS

2-ARRESTED OR RECEIVED 02/08/92  
AGENCY-SHERIFF'S OFFICE SOUTH SIDUX CITY (NS0200000)  
AGENCY CASE-281 NAME USED-FRENCHMAN, CAROLINE D  
CHARGE 1-POSS  
CHARGE 2-POSS DILSI  
CHARGE 3-POSS  
CHARGE 4-NO VALID  
CHARGE 5-POSS OF FARIO-LESS 1 02  
CHARGE 6-POSS 1980 FARIO-LESS 1 02  
CHARGE 7-POSS OF CONTROLLED SUBS. IN QUANTITIES OF 1 00  
CHARGE 8-POSS W/INTEND TO DELIVER

3-ARRESTED OR RECEIVED 07/04/92  
AGENCY-POLICE DEPARTMENT SIDUX CITY (IA0970100)  
AGENCY CASE-34504 NAME USED-FRENCHMAN, CAROLINE D  
CHARGE 1-POSS

LENGTH

RECORDED - 10/10/68  
INDEXED - 10/10/68  
CHARGE 1-104 2ND OFF 2422

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.  
END OF RECORD

03270951703270951  
ALSS 2100  
MESSAGE FROM NCIC  
033007

IN THE IOWA DISTRICT COURT

FOR WOODBURY COUNTY

STATE OF IOWA vs.

OWCR024337

Criminal Case No.

CAROLINE FRENCHMAN

Defendant

MITTIMUS STATE INSTITUTION

THE STATE OF IOWA TO THE SHERIFF OF WOODBURY COUNTY, GREETINGS:

Whereas, in the District Court in and for said County, said Defendant was indicted or informed against for the crime of OWI 3RD, in violation of § 321J.2, Code of Iowa, and on the 18 day of OCTOBER, A. D., 19 95, said Defendant was ~~found guilty~~ (pled guilty) of said violation of § OWI 3RD Code of Iowa, and on the 18 day of OCTOBER, A. D., 19 95, was sentenced under the Iowa Corrections Code to be committed to the custody of the Director of the Division of Adult Corrections in said State to be confined for the term of not exceeding 5 (FIVE) YEARS less days for time spent in ~~state~~ (Correctional) or ~~state~~ from date of admittance, at hard labor, as appears to us of record, in District Court Record on Page(s).

WE THEREFORE COMMAND YOU, that you take the body of the said defendant, now confined in the jail of said County, and convey such person to the Director at IOWA DEPT OR CORRECTIONS (OAKDALE), which is designated as the reception center for the Director, therein to be confined in accordance with the sentence aforesaid; and we also command the Warden of the aforesaid institution as the agent for the Director to receive the body of the said defendant, and such person confine in the institution for the term as set out above (at hard labor subject to the control of the Director) and for so doing, this shall be his sufficient warrant.

Appeal bond fixed at \$3250 Dollars, IN TESTIMONY WHEREOF, I the undersigned, Clerk of the District Court aforesaid, have hereunto set my hand and affixed the seal of said Court, this 18 day of OCTOBER, A. D., 19 95.

Clerk Deputy

RECEIVED OCT 26 1995 IMCC

## SHERIFF'S RETURN OF SERVICE

State of Iowa, Woodbury County, as:

Received the within notice the 30 day of Oct, 1985, and I hereby certify that I served the same on the person named below by delivering to personally a true copy of the same at the time and place set opposite \_\_\_\_\_ name \_\_\_\_\_.

NAMES OF PERSONS	DISPOSITION
CAROLINE FREUCHMAN	TRANSPORTED SUBJECT FROM WOODBURY Co JAIL TO I.M.C. OAKDALE, IA

**FBBS:**

Service \$ 10.<sup>00</sup>  
 Expenses \$ 17.75  
 Mileage \$ 15.89  
 Total \$ 43.64

DAVID H. AMICK, SHERIFF

Woodbury County, Iowa

By \_\_\_\_\_

*[Signature]* 97-110

Deputy

# OFFICE OF THE STATE PUBLIC DEFENDER

William L. Wegman, State Public Defender

Linda Del Gallo, Appellate Defender

Appellate Defender Office  
2nd Floor Lucas Building  
Des Moines, IA 50319-0068  
(515) 281-8841

November 6, 1995

Clerk of District Court  
Woodbury County Courthouse  
620 Douglas Street  
Sioux City, IA 51101

Re: Caroline Frenchman  
Woodbury County No. OWCR 024337

Dear Clerk:

Enclosed please find an original and one copy of a Notice of Appeal in the above-referenced case. Please file the original and return a file-stamped copy to our office.

Thank you for your cooperation.

Sincerely,



Kevin Cmelik  
Assistant Appellate Defender

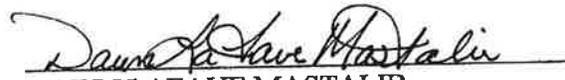
KC/jv  
ENC.

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

STATE OF IOWA,	'95	9-2
Plaintiff,	01-1	Criminal No. OWCR024337
vs.		
CAROLINE FRENCHMAN,		CERTIFICATION OF HOURS
Defendant.		

I, DAWN LAFAVE MASTALIR, certify that I spent 2.0 hours during my representation of the Defendant.

Respectfully submitted,

  
DAWN LAFAVE MASTALIR  
ATTORNEY FOR DEFENDANT  
CAROLINE FRENCHMAN

2.0 Hours @ \$45.00/hour = \$90.00 Total

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

'95 OCT 23 P3:41

STATE OF IOWA,

Plaintiff,

vs.

Caroline Frenchman

Defendant.

CLERK  
31

:  
:  
:  
:  
:

CRIMINAL NO. OWCR024337

APPLICATION FOR  
APPOINTMENT OF APPELLATE  
COUNSEL AND ENDORSED  
ORDER

COMES NOW the Defendant, Caroline Frenchman, pursuant to the 1994 Code of Iowa, Section 814.11 and applies to the Court for appointed counsel to assist him in the appeal of the order entered against him on October 18, 1995, by the Honorable Judge McCoy, Judge of the Third Judicial District of Iowa, and in support of this Application, the Defendant states as follows:

1. That on March 27, 1995, the Honorable Judge Goldblatt determined the Defendant to be indigent, and counsel was appointed to represent him on the charge of Operating A Motor Vehicle While Intoxicated, 3rd Offence.

2. That the Defendant's circumstances have not substantially changed and that he is still indigent and unable to afford counsel to represent him in the pursuit of his appeal.

WHEREFORE the Defendant respectfully requests for an Order of this Court appointing the Appellate Defender's Office, 2nd Floor - Lucas Building, Des Moines, Iowa 50319, to represent the Defendant Caroline Frenchman, in the pursuit of this appeal.

Respectfully submitted,

'95 OCT 23 13:45 Dawn E. LaVare Madala  
ATTORNEY FOR DEFENDANT

CLERK

ENDORSED ORDER

NOW on this 23 day of Oct, 1995, the attached Application coming to the attention of the Court, the Court being advised in the premises, finds merit and good cause to said Application and hereby Orders that the State Appellate Defender's Office, 2nd Floor - Lucas Building, Des Moines, Iowa 50319, be appointed counsel to represent the Defendant, Caroline Frenchman, in pursuit of his appeal. The Clerk of Court is Ordered to mail copies of this Application and Endorsed Order to the State Appellate Defender's Office, 2nd Floor - Lucas Building, Des Moines, Iowa 50319, the Woodbury County Attorney's Office, the Attorney General for the State of Iowa, and to the Defendant's attorney, Dawn E. LaVare Madala Woodbury County Public Defender.

IT IS SO ORDERED.

TC McEoy  
JUDGE, Third Judicial District  
of Iowa

*Copies to PD, WC Atty, State Appellate Def off + Atty General  
10/24/95*

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

STATE OF IOWA,

Plaintiff-Appellee,

v.

CAROLINE FRENCHMAN,

Defendant-Appellant.

NO. OWCR 024337

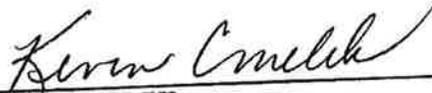
NOTICE OF APPEAL

'95 10/19 -9 P 1:39

TO: THOMAS J. MILLER, Attorney General of the State of Iowa;  
COUNTY ATTORNEY for Woodbury County, Iowa; and  
CLERK of the Woodbury County District Court

You and each of you are hereby notified that Defendant,  
Caroline Frenchman, does hereby appeal to the Supreme Court of Iowa  
from the final judgment entered herein on October 18, 1995, and all  
adverse rulings inhering therein.

STATE APPELLATE DEFENDER'S OFFICE



KEVIN CMELIK  
No. 000009084  
Assistant Appellate Defender  
Second Floor Lucas Building  
Des Moines, IA 50319  
(515) 281-8841

Copy to:  
Criminal Appeals Division  
Attorney General of Iowa  
Hoover Building - LOCAL

Supreme Court Clerk  
Capitol Building - LOCAL

County Attorney  
Woodbury County Courthouse  
7th & Douglas Street  
Sioux City, IA 51101

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the  
above captioned case was served on each of the attorneys  
named in the above captioned case, in the manner and by  
the means specified herein, on the date and at the place  
herein specified, and that the undersigned is duly qualified  
to practice law in the State of Iowa.

November 4 1995  
Valadey



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF CORRECTIONS

'95 DATE: 6 November 1995

TO: CLERK OF COURT

FROM: INMATE NAME CAROLINE C. FRENCHMAN NUMBER 0073852A

RE: Jail Credit

Please recheck the number of days you have given me as jail credit.

My Mittimus shows that I was given 0 days, but I believe I should have been given 29 days. I believe the following time periods should count for jail credit:

Starting Date	Ending Date	Where Confined	Criminal Docket #
March 27, '95	April 13, '95	Woodbury County	CR 024337
October 18, '95	October 26, '95	Woodbury County	CR 024337

Comments: Thank you for your time concerning this matter.

Sincerely, Caroline C. Frenchman

Please send a certified statement of my correct jail credit to:

[X] Central Records Office [ ] Community Placement Office

Iowa Department of Corrections
Iowa Medical and Classification Center
PO Box A
Oakdale, Iowa 52319

TO: JUDGE FACHMAN  
FROM: RICK - CLERK OF COURT OFFICE  
RE: OWCR024337 - CAROLINE FRENCHMAN

THE WOODBURY COUNTY SHERIFF'S OFFICE DID VERIFY THAT THE ABOVE DEFENDANT DID SERVE TIME ON CASE OWCR024337 FROM MARCH 27, 1995 - APRIL 13, 1995 AND ALSO FROM OCTOBER 18, 1995 - OCTOBER 26, 1995. *18 days*  
*1*  
*27 days*

## Attachment A

16 November 1995

Your Honor,

I am writing this letter to ask you for a \$2,000 or 90 day reconsideration of sentencing. I know that what is down on paper does not look good, but that is not my entire life, and I realize you are a very busy person. I was too, until I got here. I was working full-time, attending college part-time, tutoring illiterate adults and taking care of a household. Plus going through intensive outpatient treatment four nights a week and two to three meetings on weekends. I was a student, a mother, a daughter, an aunt and a sister, which I've somehow lost identity with from being in here. I have become an inmate ~ a number ~ thrown in a cell and fed. Not to mention the humiliation and shame I bear along with the number on a daily basis.

I once thought I had no purpose on the streets and I turned to drugs and alcohol, which only got me in trouble with the law. On paper it appears that I didn't care about anything to include myself, but I admit there was a period in my life when I didn't. On paper the wrongs look so clear cut, but I am much more than what has been documented. The positives in my life outweigh the negatives and I was only beginning to learn how to focus on the positive. I joined the military right out of high school, at 17, married at 18. After 8 years of being married to an alcoholic I left. And I let the teenager in me run rampant ~ thus, three C.J.D. charges in

six years. I had been struggling with my addiction on my own for a year. And I only regret not turning to treatment sooner, but I've always been an independent person and figured I could do it on my own. I have realized that I need a support system. On here I have none.

If granted a reconsideration I would like to complete my intensive outpatient treatment and then look into going back to college for my associates degree. I could be enrolled for the second semester which begins the first week of January and still graduate this spring. My class load would keep me pretty busy, because I still need 18 credit hours to graduate. I was planning on trying to attend The University of Connecticut next fall. One of my best friends is working on her masters there and we discussed sharing expenses next fall to help further my education. If parole would prevent me from leaving the Siouxland area I have also considered attending The University of South Dakota. Through a friend who teaches there, I was gathering information on becoming a peer counselor for drugs and alcohol. I feel that I can share my experiences with others in hopes that they too can realize it's never too late to change. As I sit in here and look around I realize that I can do much more as a productive citizen. Not only for myself but for my community as well. I would remain clean and sober and work my new found program as my way of life, and would do everything within my power to prove that I can be an upstanding, law abiding

citizen

I would also like to thank-you for your time concerning this matter and will eagerly await your response.

Sincerely,

Caroline Carmen Frenchman  
# 0073852A

November 21, 1995  
P.O. Box 839  
Hinnebago, NE. 68071

Judge McCoy  
Woodbury County Court

Judge McCoy,

I'm writing on behalf of my daughter, Caroline Frenchman. At this time and since you sentenced her on October 18, 1995, she has been incarcerated, first in the Woodbury County Jail, currently at the Iowa Medical and Classification Center at Oakdale, Iowa.

I'm asking for reconsideration of sentence for her; I truly believe prison is where Caroline least needs to be at this critical point in her life.

In an attempt at not being too lengthy, I hope I can shed some light on Caroline's seemingly intolerance for the law.

When Caroline was eleven years old, her father and I separated, later we divorced. Coming from Chicago (which was my home, all my life) into the small community of Hinnebago was a culture shock for all of us, my daughter, my son, myself! A drastic change from big city life!

At first I worked 3 jobs, later it was usual that I work at 2 jobs, since their father never supported them, financially or otherwise. He had liberal visitation rights, but only visited them once in ten years, and never asked them to come stay with him anytime, no summer vacations or holidays, not ever! (Not to mention the physical and mental abuse we all endured, while a family in Chicago.) I believe they got the message! I know his rejection, rather, his rejecting them, was the source of a lot of hurt and anger for both my children, but probably more so for Caroline, because she was always crazy about her dad.

The children were having a time at school; not being born and raised here, like the others. Caroline tried to fit in, no, not at first, at first she just wanted to fit in. Later, in high school it seemed she did! She was a cheerleader for four years, she got into plays as often as she could, she was on the volleyball team, track and field each spring, she worked every summer, lifeguarding at our pool (since its opening) plus she had good grades all through school!

Caroline is an Army Veteran, she joined the Army through the delayed entry program, at age 15 (I signed for her, if it was something she chose, she would do well!), shortly <sup>after</sup> her high school graduation, at 17 years of age, she entered the military service.

Not until she was out of the military did Caroline tell me about her experimenting with drugs, alcohol and sex, while in high school. By this time she had met and married another Army person and they had a son.

Caroline must have given in to peer pressure, while in high school, that was when she seemed to fit in and seemed to be accepted.

I thought I was being a good and loving parent, trying to teach my children to do right, teaching them to make decisions on their own and trying to teach them to be aware. For all the talks, I guess it's never enough coming from only one parent and nothing at all from the other. Having to be away at work, away too much, I didn't really see all that was happening!

In 1991, Caroline and her husband divorced; and I saw my beautiful daughter, turn from the innocent eleven year old, the vibrant high school cheerleader, the young military woman, looking forward to the future, turn to drugs and drinking, more than I'd ever seen at any time before.

I saw someone I didn't know! Nothing I said, trying to help, mattered, "go to a marriage counselor," "go to counseling for yourself," whatever I said or did, didn't matter. She said I was trying to "run her life." If I was, would she be in so much trouble? I just grew to accept whatever she did!

Early spring of this year she spoke of being tired of the way her life was going; I didn't understand what she meant. For almost two years she had been attending the community college in Mennebago, plus working when she could; so until she told me about how carried away her drug use had gotten, I had no idea. I thought she had gotten past that stage in her life.

Since I hadn't seen or heard from her, almost all summer, I assumed, all was well with her!

I am writing as a mother, not a lawyer, but even so isn't 5 years in prison, in excess? She may have ignored the law, using drugs and drinking and driving, but she was (in her own words) "in a world of her own". Maybe at that time, she needed to be in that world, to keep from hurting and to be able to cope. How could anyone deny someone their "safe place"?

All the negatives, in Carolin's life, seem to have culminated this past summer and after not seeing her for awhile, I realized she meant it when she said she was "ready to change".

All I want for her means nothing - she had to want these things for herself and I believe she has finally reached that point. I also believe only more damage can be done, by her showing to be in prison. I know she is not a hardened criminal.

She was in intensive drug treatment at the time of her sentencing, finishing her therapy could be her catalyst for change.

I want her to have another chance - more importantly she's ready for that chance to change!

I eagerly await your reply,

Respectfully,

Winona Rice



2700 Pierce Street  
P.O. Box 2000  
Sioux City, Iowa 51104  
Adolescent: 712-258-4578  
Adult: 712-279-3960

December 6, 1995

FILED

'95 DEC 11 P1:25

CRAIG JORGENSEN  
CLERK OF DISTRICT COURT

BY \_\_\_\_\_ PERK DESIGNEE

Judge  
Law Enforcement Center  
407 7th. Street  
Sioux City, IA 51101

Re: Caroline Frenchman

Dear Judge:

I am writing this letter on behalf of Caroline Frenchman. The judge who presided at her trial was Judge McCoy. Therefore I am not sure who I should be addressing this letter to. I am an intensive outpatient Therapist at St. Luke's Gordon Recovery Center. I was Caroline's counselor before she was sentenced on her DUI Charges. Caroline was doing well in our program prior to her sentencing. She appears to realize that drugs were messing up her life and she was beginning to set healthier goals for herself.

I understand that she will be up for shock probation. I would like to encourage whoever makes that decision to support the probation. I do not feel that spending time in a correctional facility is warranted in her case. I would further recommend that she be permitted to complete her treatment for her addiction at St. Luke's Gordon.

I appreciate your consideration in this matter. If you need any further information from me, feel free to contact me at home as I am presently on medical leave. My number is 258-7730.

Sincerely,

*William Beyerink* PhD LMHC CAC III

William Beyerink, PhD. LMHC CAC III  
Intensive Outpatient Therapist

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

FILED

STATE OF IOWA,  
Plaintiff,

'95 NOV 30 :A9:22

GRAIG JOHNSON  
CLERK OF DISTRICT COURT

CRIMINAL NO. OWCR024337

VS.

BY \_\_\_\_\_ :

CAROLINE FRENCHMAN,  
Defendant.

: APPLICATION FOR  
: RECONSIDERATION OF SENTENCE

TO THE HONORABLE JUDGE FACHMAN/GOLDBLATT

COMES NOW the Defendant, CAROLINE FRENCHMAN, pursuant to Section 902.4 of the 1995 Code of Iowa, and requests the Court to reconsider sentence imposed upon the Defendant on October 18, 1995. In support of this Application, the Defendant states:

1. That on October 18, 1995, the Defendant appeared in front of the Honorable Judge MCCOY for sentencing on a charge of Operating While Intoxicated, 3rd offense. The Court having read and studied the presentence investigation, the plea agreement, and having conversed with counsel and the individual preparing the report and having given counsel an opportunity to address the Court, and the Defendant her right of allocution, sentenced the Defendant to an indeterminate sentence not to exceed Five years in such penal institution as may be directed by the Director of Adult Corrections for the State of Iowa. Mittimus issued on October 18, 1995.

2. That under Section 902.4 this Court may reconsider the Defendant's sentence for a period of 90 days from the date the

Defendant began serving her sentence of confinement. The Defendant's application is within this 90 day period.

3. That the Defendant respectfully requests that the Court reconsider his sentence and place him on probation.

4. That pursuant to State v. Sullivan, 326 N.W.2d 361 (Iowa 1982), the Court must issue an Order to have the Defendant returned to court within 90 days of Defendant's confinement; if the Court decides to reconsider the sentence.

Respectfully submitted by the Defendant, CAROLINE FRENCHMAN, by her attorney, DAWN LAFAVE MASTALIR, at the Defendant's request. (Attachment A).

Respectfully submitted,

  
DAWN LAFAVE MASTALIR  
ATTORNEY FOR DEFENDANT  
CAROLINE FRENCHMAN

<b>CERTIFICATE OF SERVICE</b>	
The undersigned certifies that the foregoing instrument was served upon: <u>Biggie Barnes</u>	
on the <u>30<sup>th</sup></u> day of <u>Nov.</u> 19 <u>95</u>	
<u>Dawn LaFave Mastalir</u> (Attorney's Signature)	

# STATE OF IOWA TRAVEL VOUCHER

NAME AND HOME ADDRESS

**SHERRI R. GILL**  
3640 Pawnee Place  
Sioux City, IA 51104

OFFICIAL DOMICILE

**Sioux City**

AGENCY TO BE CHARGED

**Indigent Defense**

TRAVEL APPROVED (SUPERVISOR'S SIGNATURE)

Date	Time Left	Time Retd	TRAVEL From	To	BUS. H.R. PLANE STATION OR PRIVATE AIRCRAFT			MEALS		LODGING		MISC EXPENSE*	
					MILES	RATE	CHARGE	(ACTUAL)	REIMBURSABLE TOTAL	ACTUAL	REIMBURSABLE TOTAL	AMOUNT	CODE
19			WDBY CO. CRIM. #OWCRO24337				STATE V. CAROLINE FRENCHMAN						
			Transcript ordered 12-22-95 by combined cert. from app. def. office and filed with clerk 1-30-96.										
			9-19-95 Plea Taking -		12 pp. @ 2.50/pg:				\$30.00				
			One copy to app. def.		12 pp. @ .25/pg.:				3.00				
<b>TOTALS</b>									\$33.00				

\*MISCELLANEOUS EXPENSE CODES REFERENCE ALL OTHER CLAIMS RELATED TO THIS TV WITH CLAIM NO. AND PAID DATE  
A-Parking B-Registration C-Local Phone D-Long Distance Phone E-Cab, Shuttle, etc. F-Other (Specify)  
Routine uses of this form are to fulfill IRS requirements, identify individual claims for public inspection, provide the state vehicle dispatcher information, and to prepare annual salary book.

TOTAL - ALL EXPENSES	\$33.00
LESS TRAVEL ADVANCE	
AMOUNT TO BE REIMBURSED	\$33.00

### CLAIMANT'S CERTIFICATION

I CERTIFY THAT THE ITEMS FOR WHICH PAYMENT IS CLAIMED WERE FURNISHED FOR STATE BUSINESS UNDER AUTHORITY OF THE LAW AND THAT THE CHARGES ARE REASONABLE, PROPER AND CORRECT AND NO PART OF THIS CLAIM HAS BEEN REIMBURSED EXCEPT AS ADVANCES SHOWN, AND I UNDERSTAND THE ROUTINE USES OF THIS FORM

SS # [REDACTED] Title **Court Reporter**  
 Check here if Board or Commission Member  Check here for Direct Deposit

CLAIMANT'S SIGNATURE *Sherril R. Gill* Date **1-31-96**

**AGENCY CERTIFICATION**  
I CERTIFY THAT THE ABOVE EXPENSES WERE INCURRED AND THE AMOUNTS ARE CORRECT AND SHOULD BE PAID FROM FUNDS APPROPRIATED.

TRAVEL AUTHORITY NO:  
AUTHORIZED SIGNATURE

### THE FOLLOWING ITEMS FOR STATE ACCOUNTING USE

TRANS CODE	DOCUMENT NO	DOCUMENT DATE	BUD FY	ACTION	DOCUMENT TYPE	SOCIAL SECURITY NUMBER	COMMENTS								
TV				E - ORIGINAL ENTRY	1 TRAVEL	A 504-74-2840									
LINE NO	REF. DOC LINE	FUND	AGENCY	ORGANIZATION	SUB ORGN	OBJECT	SUB OBJT	ACTIVITY	JOB NUMBER	AGENCY REPT CAT	LAST NAME	SOCIAL SECURITY #	AMOUNT	I/D	P/F
						2103									
						2105									
						2119									
						2121									
						2122									
						2111									
						2123									
						2124									
REFERENCE DOCUMENT										WARRANT NUMBER		AUDITED BY		TOTAL	
CODE 04.09.13 State Board of Education														7.9-159	

TO: CLERK OF SUPREME COURT

OWCR024337 { ~~Civil~~  
Criminal

**Receipt for Files**  
District Court of  
WOODBURY COUNTY, IOWA *as 1936*

TITLE OF CAUSE

CAROLINE FRENCHMAN

vs. Chg.

OWI 3RD OFFENSE

COPY OF COMPLETE COURT FILE  
INCLUDING ALL COURT ENTRIES.

**FILED**  
NOV 15 1995  
CLERK SUPREME COURT

IN ABOVE ENTITLED CAUSE.

Received the above mentioned papers this \_\_\_\_\_

day of \_\_\_\_\_, 19 \_\_\_\_\_

*X T Owens*  
RPC-63 Recipient of Papers.

TO: ATTORNEY GENERAL

OW. OWCR024337 { ~~Civil~~  
Criminal

**Receipt for Files**  
District Court of  
WOODBURY COUNTY, IOWA

TITLE OF CAUSE

CAROLINE FRENCHMAN

vs. Chg. 19 \_\_\_\_\_

OWI - 3RD OFFENSE

COPY OF COMPLETE COURT FILE  
INCLUDING ALL COURT ENTRIES.

**FILED**  
NOV 15 1995  
CLERK SUPREME COURT

IN ABOVE ENTITLED CAUSE.

Received the above mentioned papers this *15<sup>th</sup>*

day of *November*, 19 *95*

*Christy J. Fisher*  
RPC-63 Recipient of Papers.





DEPARTMENT OF CORRECTIONAL SERVICES  
FOURTH JUDICIAL DISTRICT

FAX # (712) 325-0312

Administrative Offices  
Pre-Trial Services  
Probation Services  
801 S. 10th  
Council Bluffs, IA 51501  
Phone (712) 325-0782

Residential  
Correctional  
Facility  
900 9th Ave.  
Council Bluffs, IA 51501  
Phone (712) 325-0285

January 19, 1996

TO: Woodbury County Clerk of Court  
Woodbury County Courthouse  
620 Douglas Street  
Sioux City, Iowa 51101

FROM: Mike Hahn, RCF Counselor *MH/cb*  
Fourth Judicial District  
Department of Correctional Services  
900 9th Avenue  
Council Bluffs, IA 51501

RE: FRENCHMAN, Caroline  
Woodbury County Cause #OWCR024337

Please file the enclosed Plan of Restitution and return a copy to our office for our files.

Thank you for your assistance in this matter.

MH/cb

Enclosure

IN THE SUPREME COURT OF IOWA

No. 95-1936

Woodbury County No. OWCR024337

PROCEDENDO

FILED

'96 MAR 11 AM 11:41

CRAIG JORGENSEN  
CLERK OF DISTRICT COURT

BY \_\_\_\_\_ CLERK DESIGNATED

STATE OF IOWA,  
Plaintiff-Appellee,

vs.

CAROLINE CARMEN FRENCHMAN  
a/k/a CAROLINE MCCLELLAND,  
Defendant-Appellant.

---

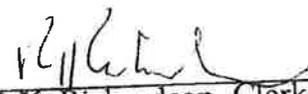
To the Iowa District Court for Woodbury County:

Whereas, there was an appeal from the district court judgment in the above-captioned case to the Supreme Court, and on the 14th day of February, 1996, the appeal was dismissed by appellant.

Therefore, you are hereby directed to proceed with diligence and according to law in the same manner as if there had been no appeal.

In witness whereof, I have hereunto set my hand and affixed the seal of the Supreme Court.

Done at Des Moines this 6 day of March, 1996.

  
\_\_\_\_\_  
R.K. Richardson, Clerk  
Iowa Supreme Court

OWCR024337

**CASH BOND — STATE CASES — FELONIES, AGGRAVATED MISDEMEANORS, SERIOUS MISDEMEANORS**

In the District Court of Woodbury County, Iowa

Sioux City, Iowa, APRIL 13, 1995

I, CAROLINE C. FRENCHMAN, hereby desposit with the Clerk of the District Court

of Woodbury County, Iowa, before which Court I am charged with the offense of \_\_\_\_\_

FTA - OWI 3RD #OWCR024337 \$1300.00 as a bond on the condition that

I will appear and answer said charge at 9 o'clock A.M. on the 07 13 day of JULY

\_\_\_\_\_, 1995, and submit to the orders and judgment of said Court, and not depart without

leave of the same, or, if I fail to perform any of these conditions, that I will forfeit said deposited money

to the State of Iowa.

Signed: X Caroline C. Frenchman  
Defendant.

(READ BEFORE SIGNING)

BOND POSTED BY WINONA RICE #336-36-1297

ADDRESS Box 839 WINNEBAGO, NE. 68011

F  
'95 APR 14 A7:38  
CLERK  
BY

CR #48953  
10-24-95

**COMBINATION CALENDAR — DOCKET SHEET  
IN THE IOWA DISTRICT COURT OF WOODBURY COUNTY, IOWA**

**CASE No.** *owcr 02433*

STATE OF IOWA		
vs.		STATE/CITY ATTY.
<i>[REDACTED]</i>		<i>Bill Foraker</i> DFT. ATTY.
<i>Caroline Frenchman</i>		<b>CHARGE</b> <i>OMVUI 3rd</i>
<i>301 21st St #1</i>		
<i>51104</i>		

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
<i>arr. 4-7 @ 9</i>	<i>4</i>	<i>7</i>	<i>94</i>	<b>DEF ARGND. P.H./ARR.</b> <i>4-27-94</i>
<i>PH 4/27 @ 9</i>				<b>AT</b> <i>9 A.M.</i>
<b>Copy to:</b> <i>off CoA-CSD</i>				<b>CRT APPTS</b> _____
<b>Mailed:</b> <i>4-12</i>				<b>BOND \$</b> _____ <b>SWOS</b>
<b>By:</b> <i>UN</i>				<b>CLERK NOTIFY.</b> <i>W. Plows</i>

**COPY TO CO. ATTY.** *3/22/94*

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
<i>to 6.6 @ 9:30</i>	<i>4</i>	<i>27</i>	<i>94</i>	<b>Defendant appears with/without attorney. Given copy. Arraigned. Advised. Pleads not guilty. Trial:</b>
<b>Copy to:</b> <i>CoA, DAVEDO</i>				<i>616194 @ 9:30 AM Bond: \$ C</i>
<b>Mailed:</b> <i>5-2-94</i>				<b>_____ appointed attorney for defendant. Clerk to notify.</b>
<b>By:</b> <i>dw</i>				<b>R.L. McCoy</b>

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
<i>to 7/25 @ 9:30</i>	<i>6</i>	<i>8</i>	<i>94</i>	<b>Trial cont'd to <i>7/25/94</i> @ 9:30 @ request of parties (State/Deft.) Clerk to notify Attys Pro-se def.</b>
<b>Copy to:</b> <i>CA + DA + DSO</i>				<b>F.L. McCoy</b>
<b>Mailed:</b> <i>6-11</i>				
<b>By:</b> <i>Rol</i>				

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
<i>to 8-25 @ 9:30</i>	<i>7</i>	<i>26</i>	<i>94</i>	<b>Trial cont'd to <i>8/25/94</i> @ 9:30 @ request of parties (State/Deft.) Clerk to notify Attys Pro-se def.</b>
<b>Copy to:</b> <i>DA, CoA</i>				<b>F.L. McCoy</b>
<b>Mailed:</b> <i>7-28</i>				
<b>By:</b> <i>BA</i>				

04.09.13 State Board of Education

7.9-166

**COMBINATION CALENDAR — DOCKET SHEET  
IN THE IOWA DISTRICT COURT OF WOODBURY COUNTY, IOWA**

CASE No. *OWCR*  
*024337*

STATE OF IOWA	STATE/CITY ATTY.
vs.	
<i>Caroline Frenchman</i>	<i>B. Jorker</i> DFT. ATTY.
	<b>CHARGE</b> <i>OMVUI 3rd</i>

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
<i>to 9/29 @ 9:30</i>	<i>8</i>	<i>26</i>	<i>94</i>	
				<i>Trial cont'd to 9/29/94 @ 9:30</i> <i>@ request of parties (State/Deft.)</i> <i>Clerk to notify Attys Pro-se def.</i> <i>F.L. McCoy</i>
<b>Copy to:</b> <i>DO, DA, CSO</i>				
<b>Mailed:</b> <i>8:30</i>				
<b>By:</b> <i>LS</i>				

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
<i>to 10/31 @ 9:30</i>	<i>10</i>	<i>03</i>	<i>94</i>	
				<i>Trial cont'd to 10/31/94 @ 9:30</i> <i>@ request of parties (State/Deft.)</i> <i>Clerk to notify Attys Pro-se def.</i> <i>R.L. McCoy</i>
<b>Copy to:</b> <i>DO, DA, CSO</i>				
<b>Mailed:</b> <i>10:5</i>				
<b>By:</b> <i>LS</i>				

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
<i>to 12/5 @ 9:30</i>	<i>10</i>	<i>31</i>	<i>94</i>	
				<i>disappear - by req - Trial cont.</i> <i>to 12-5-94 @ 9:30 am.</i> <i>R.L. McCoy</i>
<b>Copy to:</b> <i>DO, DA, CSO</i>				
<b>Mailed:</b> <i>11-11</i>				
<b>By:</b> <i>LS</i>				

COMBINATION CALENDAR — DOCKET SHEET  
 IN THE IOWA DISTRICT COURT OF WOODBURY COUNTY, IOWA

OWCR  
 CASE No. 024337

STATE OF IOWA		
vs.		STATE/CITY ATTY.
Caroline Frenchman		B. Foster DFT. ATTY.
301 <del>21st</del> #I		CHARGE
51104		DWI 3 <sup>rd</sup>

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
pts 1/10 @ 10	12	6	94	
Copy to: <i>DD, CA, OCS</i>				plea taking & sent. set for
Mailed: <i>12-8</i>				1-10-95 @ 10:00 am
By: <i>[Signature]</i>				Clerk notify attys, pro se def R.L. McCoy

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
try 1/27 @ 2:30	1	10	95	
Copy to: <i>DD, CA, OCS</i>				def's atty makes oral app. to
Mailed: <i>1-12</i>				withdraw.
By: <i>[Signature]</i>				hearing on same set for
				1-27-95 @ 2:30 pm.
				try to appear or B.W. to issue - R. L. McCoy

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
try 2/28 @ 1:30	1	27	95	
Copy to: <i>COA, DA, DCS, St. Hammer</i>				Defendant fails to appear. Bond, if any, ordered
Mailed: <i>2-1-95</i>				forfeited. Hearing, if any, on bond forfeiture set for
By: <i>Bj</i>				2/28/95 @ 1:30 p.m.
				Bench warrant to issue. Bond on warrant \$ <del>5,000</del> 5,000
				Clerk to notify & include any surety.
				<i>R. L. McCoy</i>

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
pd 143/469	2	28	95	
Copy to: <i>COA, DO, DCS, Hammer</i>				Defendant fails to appear for forfeiture hearing.
Mailed: <i>2-28-95</i>				Judgment entered in the sum of \$ <i>fd</i>
By: <i>Bj</i>				Clerk to notify.
				<i>R. L. McCoy</i>

04.04.13 State Board of Education  
 (Judgment Due)

COMBINATION CALENDAR — DOCKET SHEET  
 IN THE IOWA DISTRICT COURT OF WOODBURY COUNTY, IOWA

DWCR  
 CASE No. 024337

STATE OF IOWA		
vs.		
Caroline Frenchman		STATE/CITY ATTY. DFT. ATTY.
		CHARGE OVI 3 <sup>rd</sup>

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
4-24 @ 9:30	3	27	95	Pro se. Further am. & advised. P.N.G. Trial set for 4/24/95 @ 9:30 A.M. Bd \$ 5,000. Atty's application to withdraw having never been previously ruled upon, the same is denied.
Copy to:				
Mailed:				
By:				

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
	3	27	95	Order of same date brought in, for good cause, amended. Motion (application) of atty. Forker to withdraw is granted. Public Def is appointed. Plh notify atty Forker & Public Def.
Copy to: CoA, DA, Forker, DCS				
Mailed: 3-28-95				
By: BY				

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
	4	13	95	hearing on bond review - St. B. Baumgardner, def by atty. St reviews. ORDERED bond is amended to \$ 1300 cash.
Copy to: CoA, DA, DCS				
Mailed: 4-17-95				
By: BY				

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
				St. by <u>B. Baumgardner</u> , def. by atty <u>pub def</u> , appear for pre-trial conf. This case is set for trial on <u>7-13-95</u> @ <u>9:30 a.m.</u> as (first/backup) case. Atty's and def shall appear at <u>9:30 a.m.</u> for pre-trial matters. Notify.
Copy to:				
Mailed:				
By:				

04 09 13 State Board of Education

R. L. McCoy

COMBINATION CALENDAR — DOCKET SHEET  
 IN THE IOWA DISTRICT COURT OF WOODBURY COUNTY, IOWA

Owcr  
 Case No. 024337

	STATE OF IOWA	
	vs.	STATE/CITY ATTY. COURT APPT.
	<i>Caroline Frenchman</i>	CHARGE <i>pub def</i> <i>OWI 3<sup>rd</sup></i>

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin-bottom: 5px;"> </div> Copy to: Mailed: By:	4	13	95	<i>def turned hearing in -            2<sup>nd</sup> judgment of 2-28-95            is set aside &amp; voided.</i>  <div style="border: 1px solid black; border-radius: 50%; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">             ICIS           </div> <div style="text-align: right; margin-top: 10px;"><i>RCM 5/6/95</i></div>

	MONTH	DAY	YEAR	COURT ORDER
Copy to: Mailed: By:	7	14	95	<i>Trial cont'd to 8/14/95 @ 9:30            @ request of parties (State/Def.)            Clerk to notify Attys Pro-se def.</i>  <div style="text-align: right;">F.L. McCoy</div>

	MONTH	DAY	YEAR	COURT ORDER
Copy to: <i>DA, CA, COO</i> Mailed: <i>7-21</i> By: <i>ml</i>	7	19	95	<i>Plea taking &amp; sents. set for:            8-28-95 @ 1:15 pm            Dept. of Corr. is ordered to do a Presentence            Investigation NCIC check &amp; local D.L.            Clerk notify attys, pro se def, DCS.</i>  <div style="text-align: right;">R.L. McCoy</div>

	MONTH	DAY	YEAR	COURT ORDER
Copy to: <i>DA, CA, CSO</i> Mailed: <i>9/1</i> By: <i>ml</i>	8	28	95	<i>def - PTS cont. to            9-19-95 @ 11:00 am -</i>  <div style="text-align: right;"><i>RCM 5/6/95</i></div>

**COMBINATION CALENDAR — DOCKET SHEET  
IN THE IOWA DISTRICT COURT OF WOODBURY COUNTY, IOWA**

**CASE No.** *OWCR 024337*

STATE OF IOWA		STATE/CITY ATTY.
vs.		DFT. ATTY.
<i>Caroline Frenchman</i>		<i>Pub/Dy</i>
		<b>CHARGE</b> <i>OWI 3rd</i>

CLERK'S NOTES	MONTH	DAY	YEAR	COURT ORDER
	<i>9</i>	<i>19</i>	<i>95</i>	<i>Time for plea taken - St. B. Barnes - de in person E. with atty - D. Westall - it rpts S. Hill - de pleads guilty - Reg 15 day cont. it advising de of motion in quest; judgment. Sentence set for 10-13-95 @ 1:30 pm. rcm:by</i>
<b>Copy to:</b> <i>ca. ca. csc</i>				
<b>Mailed:</b> <i>9-22</i>				
<b>By:</b> <i>ms</i>				

	MONTH	DAY	YEAR	COURT ORDER
	<i>10</i>	<i>13</i>	<i>95</i>	<i>de reg - sentencing is cont. to 10-18-95 @ 2:30 pm. rcm:by</i>
<b>Copy to:</b> <i>CA, DA/CSD</i>				
<b>Mailed:</b> <i>10-14</i>				
<b>By:</b> <i>ky</i>				

	MONTH	DAY	YEAR	COURT ORDER
<b>Copy to:</b>				
<b>Mailed:</b>				
<b>By:</b> <i>04.09.13 State Board of Education</i>				

STATE OF IOWA, )  
Plaintiff, )  
vs. )  
Caroline Frenchman )  
Defendant. )



CASE NO.: OWCR 024337  
CHARGE: OWI 3<sup>rd</sup>  
PROS. ATTY: B. Barnes  
DEFT. ATTY: D. Mastali

10/18/95 - Defendant appears personally and by attorney.

Defendant pleads guilty to the charge of OWI 3<sup>rd</sup>  
in violation of Iowa Criminal Code Section 321J.2.  
Court finds defendant voluntarily and intelligently enters plea of  
guilty and that the defendant understands his/her rights and  
consequences of the plea. Court finds a factual basis exists for  
the plea. Defendant waives time for sentencing and motion in arrest  
of judgment. Defendant and/or attorney given right of allocution.  
It is the judgment of this Court that the defendant stands convicted  
and is guilty of the crime set forth above, and the defendant is  
sentenced as follows:

- 1. Defendant committed into custody of the Director of Iowa Dept. of Corrections for an indeterminate term not to exceed \_\_\_\_\_ years under OWI offender program pursuant to 321J Code, and to be held in the Woodbury County Jail pending assignment by the Dept. of Corrections to a Judicial District OWI facility.
- 2. Defendant committed to the custody of the Director of Iowa Department of Corrections and to be delivered to Iowa Medical and Classification Center, Oakdale, Iowa, for an indeterminate term not to exceed 5 years. ~~the defendant shall be held in the Woodbury County Jail pending assignment by the Dept. of Corrections to a Judicial District OWI facility.~~  
*mitt-fairsmith.*
- 3. Defendant's driver's license revoked for 6 years. This Court selects this sentence for the reasons set forth in the Presentence Investigation Report per plea agreement and to deter defendant and others from committing this and/or similar crimes (and) \_\_\_\_\_.
- 4. Defendant ordered to make restitution: \_\_\_\_\_
- 5. Other: \_\_\_\_\_
- 6. Defendant fined: \$ 1,000 plus Surchage

✓ Costs taxed to the defendant.  
Appeal bond fixed in the amount of \$ 3250 plus surcharge.  
Defendant advised of appeal rights. Copies to counsel, pro se defendant and the Department of Correctional Services.

*State mitt & copy MP*

*\$1330.00 dup*

*RCMS 64*  
DISTRICT ASSOCIATE JUDGE  
7.9-172

COMBINATION CALENDAR — DOCKET SHEET IN THE IOWA DISTRICT COURT OF WOODBURY COUNTY, IOWA

CASE No. OWCR024337

04 913 State Board of Education

STATE OF IOWA  
CITY OF SIOLX CITY  
vs.

STATE/CITY, P. TY.

Pub. Defender DEF. ATTY.

CHARGE OWI - 3<sup>rd</sup>

*Caroline Frenchman*

CLERK'S NOTES

MONTH DAY YEAR

11 16 95

COURT ORDERS

*Def makes pro se application for time served to be credited on her sentence. The Court hereby finds Def did serve 27 days in Co. jail in Woodbury County and should be and hereby is credited with having served 27 days against her sentence.*

Copy to: CA, DA CSO  
Mailed: 11-18  
By: *ep*

(10/5)

Copy to: Central Records John M. Frenchman  
Ia. Dept. of Corrections Sr. Judge  
P.O. Box A OAKDALE Ia. 52319

MONTH DAY YEAR

11 30 95

COURT ORDERS

*On Def's motion for reconsideration of sentence Court sets hearing for 1:30 pm on 1-10-96 - Court orders Def to be returned to Sioux City for that hearing from her place of confinement. Pub Def to contact DCS + arrange transportation*

Copy to: *all* CoA CSO  
Mailed: 12-1  
By: *sl*

Central Records  
Ia Dept of Cor  
PO Box A  
OAKDALE IA 52319

(SD)

*J. Frenchman*

COMBINATION CALENDAR — DOCKET SHEET IN THE IOWA DISTRICT COURT OF WOODBURY COUNTY, IOWA

CASE No. *OWCR 024337*

409.13 State Board of Education

*DD 1373<sup>14</sup> 96  
2-19-96*

STATE OF IOWA  
CITY OF SIOUX CITY  
vs.

STATE/CITY ATTY.

*Caroline Frenchman*

CHARGE *OWI - 3-a*

*Pub. Defender* DEF. ATTY.

~~*ALL on atty's*~~

CLERK'S NOTES

MONTH DAY YEAR

COURT ORDERS

*12 20 95*

*The Court on its own motion, after checking I.A. Code Section 902.4 finds that the motion for reconsideration of sentence can only be initiated by the Court or by the Director of the Iowa Dept. of Corrections. The motion for reconsideration herein was made by the Defendant. Therefore the court dismisses the motion as not complying with the statute 902.4. Hearing of 1-10-96 is cancelled and all orders for transportation of Def. are cancelled. Court notes this matter is on appeal by the Appellate Public Defender.*

Copy to:

Mailed:

By:

*DCS*

MONTH DAY YEAR

*Public Defender.* COURT ORDERS

*J. M. Faulkner  
Sr. Judge.*

Copy to: *Dist. Co. Atty., Appellate, Pub. Def &*

Mailed: *12-22*

By: *4*

*Central Records  
Ia Dept of Corr  
PO Box A  
OAKDALE IA 52339*

*Copies to DCS - CO. ATTY - Pub. Defender and Appellate Public Defender and Central Records  
Ia Dept. of Cor. P.O. Box A OAKDALE IA. 52339.*