

# INSIGHT

## HITTING HOME: SPOUSAL ABUSE

### Repeat Offender...

Three women fell for Paul Francis' charm before falling victim to his violent attacks. Meanwhile, Francis drifted in and out of a court system that failed to recognize or deal with his abusive ways.

"... he did assault his girlfriend at the time and (he) feels that now he's learned his lesson."  
— Paul Francis' lawyer at his first domestic assault trial in April, 1994.

BY RITA DALY, JANE ARMSTRONG AND CAROLINE MALLAN  
STAFF REPORTERS

The tall man with high cheekbones stood behind the glass of the prisoners' box and scanned the courtroom for his new girlfriend, a young blonde named Deanne. It's unlikely Deanne, who asked that her last name not be published, knew how well-acquainted her boyfriend, Paul Francis, was with the domestic assault charges he was facing.

Three girlfriends before her had fallen for his charm, then fallen victim to his violent attacks. Meanwhile, Francis drifted in and out of a court system that failed to recognize and stop his pattern of abuse.

Francis, a petty drug dealer, was indignant as he stood before Crown Attorney Margaret Browne and Provincial Court Judge William Ross in bail court the morning of Friday, June 30. He hated being locked up and had asked Deanne to bail him out.

Police had picked him up the day before at the bakery where he worked. He was charged with assaulting and threatening to kill his former girlfriend, a 20-year-old named Tina Vizental.

Three weeks earlier, at their apartment in the upper Beach, Francis had grabbed their 6-week-old baby boy, then slapped Vizental's face after an argument over money. He threatened to kill her if she called police. She fled with the baby to a shelter, where she would remain for five months.

When Browne pulled Francis' file, she found he already had outstanding charges. One was a February, 1994, charge of assault against another ex-girlfriend, a 31-year-old single mother of four named Sharon White.

That time, when White told him to leave her Scarborough apartment, he lunged at her, punching and kicking her in the head several times as her terrified 13-year-old daughter ran for help. He then locked White in the bathroom.

Browne also found two assault convictions. One involved a police officer; the second was a September, 1993, attack on a pregnant girlfriend, Kellie Newberry, who was then 19.

In that case, Francis had grabbed Newberry around the neck, thrown her up against the wall and elbowed her in the stomach. She began spitting blood and fled to hospital.

The next day, when she tried to pack and leave their Leslie St. house, he yelled, "If you leave me, I'll kill you and the baby!"

He picked up the television set and was about to throw it as she reached for the phone. He grabbed her, slammed her against the wall and choked her, before finally letting go and slapping her face.

Francis did not make bail the morning of June 30. The crown recommended against it because of his record and Judge Ross concurred. Three weeks later, he pleaded guilty to assaulting both Vizental and White.

Ross gave him a suspended sentence on the two assaults. A charge of threatening to kill Vizental was dropped, as were two charges of failing to appear for his original 1994 trial for assaulting White.

Meanwhile, he was sentenced to four months in jail for trafficking cocaine, part of the plea-bargaining deal. The judge let him serve his time on weekends so he could continue to work.

Neither White nor Vizental was informed by the court of the trial or its outcome.

In The Star's eight-month study on domestic violence, Francis was one of 74 accused — 55 per cent of the 133 cases studied — who had assaulted their partners before, according to victim and police interviews. Police weren't always called in those cases.

The study also found 32 per cent were already facing domestic violence charges or had convictions.

Not once was Francis ordered by the courts to seek treatment for his assaults on these women. Nor had he been ordered to make amends. In his latest trial, the crown recommended he perform 100 hours of community service, but Judge Ross ignored it.

His first arrest in a domestic dispute was the afternoon of Sept. 20, 1993 after a neighbor called police. In the back of the cruiser, Francis denied hitting Newberry.

Engaged to Francis and less than two months pregnant, Newberry ended the relationship and moved back home with her mother.

"I would never go back to him and let it happen again," she told The Star. "Once a woman beater, always a woman beater."

For two weeks after the assault he made threatening calls to her daily, ignoring a bail court order not to contact her. The harassment continued for the next six months leading up to the trial.

"It's a small world, you can run but you can't hide," he hissed over the phone. He was finally charged with criminal harassment in March, 1994, for the threatening calls.

On April 15, 1994, Francis pleaded guilty to one count of assault, criminal harassment (for the threatening calls), obstructing justice (he gave police his brother's name when arrested) and failing to show up for one of his court dates. Two charges — a second assault on Newberry and a threat to kill her — were dropped.

His lawyer, Allison Mackay, argued that despite having a lengthy criminal record for drugs, Francis had only one other assault conviction, on a police officer.

"He hasn't got any other type of crimes involving violence, or anything of that nature," she told Justice James Murphy.

Although he had no other convictions, only two months earlier Francis had been charged with beating up Sharon White, a fact the crown attorney didn't mention.

The judge was relatively harsh in sentencing, though, giving Francis four months in jail and two years' probation. No treatment was ordered.

For the next year and a half, Newberry changed her phone number three times and moved twice to get away from Francis. She fled the city three months ago.

The day after Francis beat up White (she asked that her last name be changed) on Feb. 2, 1994, she showed up at her doctor's with bruises on her face and arms and a painful headache, the result of a severely bruised skull. On her doctor's advice, she laid private charges with a justice of the peace.

Three times a trial date was set at the College Park courthouse and each time White went with her 13-year-old daughter, both of whom were subpoenaed to testify. No one spoke to her, she says, except Francis' lawyer, Robert Valentine. The first two dates were rescheduled.

The final trial date, Nov. 15, was the last White saw of him. Francis was sitting across the hall from her and her daughter in the courthouse during the morning break.

"He kept motioning that he was going to shoot me," she said. "He had his two fingers and thumb up to his head and he was acting like he was pulling a trigger."

Francis took off during the recess and a warrant for his arrest was issued.

It wasn't until Francis was picked up last summer and appeared in bail court June 30 that the assault on White was dealt with. When she found out he received a suspended sentence, she was flabbergasted.

"The system stinks," she said. "That's why women are getting killed. Nothing gets done and that person gets to come back and finish what he started."

Francis warned his third victim, Vizental, not to speak to The Star. She is still in contact with him, mainly because she is fighting a family court battle over their year-old son.

During an Oct. 30 hearing in family court over access to the child, Vizental's lawyer, Mark Kreger, had two requests: obtaining Francis' criminal record (the judge was unaware Francis had assaulted other women) and keeping a restraining order against him. Kreger won the first request, but lost the second.

While the baby slept through the proceedings in his stroller, Judge Joseph James suggested Francis' criminal record wasn't "relevant."

Only at Kreger's persistence did the judge reluctantly agree to look at past assault convictions. He was not interested in hearing about drugs, weapons or any other offences.

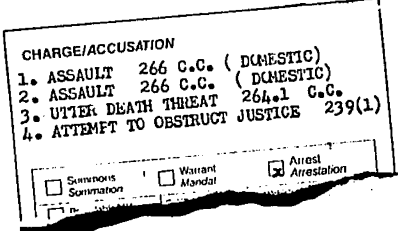
He then removed the restraining order. Francis maintains unsupervised access to the child.

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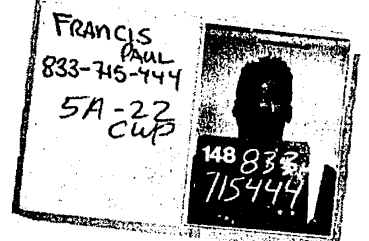


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DESPITE THREE ASSAULTS ON WOMEN, PAUL FRANCIS WAS NEVER ORDERED TO SEEK TREATMENT FOR DOMESTIC ABUSE.



PAUL FRANCIS' LIST OF CHARGES INVOLVES ASSAULTS ON KELLIE NEWBERRY.



'The system stinks. That's why women are getting killed.'

FORMER GIRLFRIEND SHARON WHITE



FORMER GIRLFRIEND KELLIE NEWBERRY SAYS SHE MOVED OUT TO GET AWAY FROM FRANCIS.

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